Gold Street Educational Center

Final Initial Study and Mitigated Negative Declaration

State Clearinghouse Number 2009032058
Project Number 30154028

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Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, California 95118-3614

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Executive Summary – Findings of a Mitigated Negative Declaration

Pursuant to the California State Public Resources Code and the California Environmental Quality Act (CEQA) Guidelines, as amended to date, the Santa Clara Valley Water District (District) submits a proposed Mitigated Negative Declaration for the Gold Street Educational Center in the Alviso area of San Jose, California.

Purpose

On July 8, 2003, as an enhancement to the Lower Guadalupe River Flood Protection Project, the District's Board of Directors authorized planning for an educational center adjacent to the Guadalupe River. The purpose of the educational center is to highlight Alviso's history and close association with the Guadalupe River and South San Francisco Bay, and provide a link to recreation trails in the vicinity.

Proposed Project

The proposed educational center would be located on a half-acre parcel owned by the California State Lands Commission along Gold Street, adjacent to the Guadalupe River. The site would be developed with a gazebo, paths connecting educational kiosks, restrooms, and a ten-stall parking lot.

Location

The site is on the east side of Gold Street just south of the Guadalupe River in the Alviso area of San Jose.

Findings

The Initial Study for the proposed project, consisting of the attached document, indicates that the proposed Gold Street Educational Center, with mitigation as outlined in this document, would not have a significant effect on the environment.

Basis of Findings

As discussed in this Initial Study, the project would not cause significant adverse impacts related to aesthetics; agricultural resources; air quality; cultural resources; geology and soils; hydrology and water quality; land use and planning; mineral resources; noise; population and housing; public services; recreation; transportation and traffic; and utilities and service systems.

The project would not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause fish or wildlife populations to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal species. The project would not affect any important examples of cultural resources from the major periods of California prehistory or history or result in long-term cumulative impacts. In addition, substantial adverse effects on humans, either direct or indirect, would not occur.

Potentially significant impacts from hazards and hazardous material and on air quality and biological resources may occur as a result of the project. However, these impacts would be reduced to a less-than-significant level because mitigation measures proposed in this document and stipulated in the Mitigation Monitoring and Reporting Program Summary Table (Appendix A) would be incorporated into the project.

The project includes standard Best Management Practices (BMPs) that the District incorporates into all projects to avoid or minimize impacts. The BMPs included in this project are incorporated into the Mitigation Monitoring and Reporting Program Summary Table provided in Appendix A.

With the implementation of mitigation measures and standard District BMPs, the project would not have any significant impacts to the environment.

Attached is the Initial Study prepared for the project. ~~The public can obtain additional copies of the Initial Study, and review documents used in its preparation, at the Santa Clara Valley Water District, 5750 Almaden Expressway, San Jose, CA 95118-3614. Please call Michael Martin at 408-265-2607 ext. 3095 if you would like to have a copy mailed to you.~~ The Clerk of the Board has been designated as the custodian for the documents that constitute the record of proceedings upon which the decision on the project is based.

Final Mitigated Negative Declaration

This Final Mitigated Negative Declaration incorporates minor changes from the Draft document based on comments received during the public review period between March 18, 2009 and April 20, 2009. Changes between the Draft and Final are shown in underline / ~~strikeout~~. All comments received and the District's responses are included in Appendix B.

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List of Acronyms

BAAQMD	Bay Area Air Quality Management District
BMPs	Best Management Practices
CDFG	California Department of Fish and Game
CEQA	California Environmental Quality Act
CCR	California Code of Regulations
CFR	Code of Federal Regulations
CO	Carbon Monoxide
dBA	Decibels on the A-weighted scale
District	Santa Clara Valley Water District
DNL	Day-Night sound level
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
MND	Mitigated Negative Declaration
NOAA	National Oceanic and Atmospheric Administration
NOx	Oxides of Nitrogen
PM_{10}	Fine particulate matter
ROG	Reactive Organic Gases
SBA	South Bay Asbestos Area
USC	United States Code

Key Terminology

Significance Criteria: A set of criteria used by the lead agency to determine whether an impact would be considered significant. The District relied upon the significance criteria set forth in the CEQA Guidelines and criteria based on the regulatory standards of local, state and federal agencies.

Significant Impact: an impact that would likely result in a substantial adverse change in the physical conditions of the environment. Mitigation measures and/or project alternatives are identified to avoid or reduce these effects to the environment.

Beneficial Impact: A project impact is considered beneficial if it would result in the enhancement or improvement of an existing physical condition in the environment – no mitigation is required.

No Impact: This is indicated in the Initial Study where, based on the environmental setting, the stated environmental factor does not apply to the proposed project.

Less-than-significant Impact: This is indicated in the Initial Study checklist where the impact does not reach the standard of significance set for that factor and the project would therefore cause no substantial change in the environment (no mitigation needed).

Potentially Significant Impact: an environmental effect that may cause a substantial adverse change in the environment; however additional information is needed regarding the extent of the impact to make a determination of significance. For the purposes of review such are treated as if significant impact and mitigation measures are proposed.

Mitigation Measures: Mitigation includes: (a) Avoiding the impact altogether by not taking a certain action or parts of an action. (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation. (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment. (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action. (e) Compensating for the impact by replacing or providing substitute resources or environments.[1]

Best Management Practices: A subset of mitigation measures derived from standardized District operating procedures. These practices have been identified as methods, activities, procedures, or other management practices for the avoidance or minimization of potential adverse environmental effects. They have been designed for routine incorporation into project designs, without modification or alteration, and represent the 'state of the art' prevention practices.

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1 Authority cited: Sections 21083 and 21087, Public Resources Code; Reference: Sections 21002, 21002.1, 21081, and 21100(c), Public Resources Code.

Section 1 Introduction

Organization of this document

This document is organized to assist the reader in understanding the potential impacts that the proposed project may have on the environment and to fulfill the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 *et seq.*). Section 1 indicates the purpose under CEQA, sets forth the public participation process, and summarizes applicable state and federal regulatory requirements. Section 2 describes the location and features of the project and Section 3 describes the environmental setting. Section 4 evaluates the potential impacts through the application of the CEQA Initial Study Checklist questions to project implementation. Section 5 lists the contributors, and Section 6 supplies the references used in its preparation. The Proposed Mitigated Negative Declaration and proposed findings resulting from the evaluation are located at the beginning of this document.

Purpose of the Initial Study

The Santa Clara Valley Water District (District), acting as the Lead Agency under CEQA, prepared this Initial Study and Mitigated Negative Declaration (MND) to provide the public, responsible agencies and trustee agencies with information about the potential environmental effects of the proposed Gold Street Educational Center.

This MND was prepared consistent with CEQA, the CEQA Guidelines (Title 14 Code of Regulations 15000 *et seq.*), and District procedures for implementation of CEQA (Environmental Planning Guidance Q520D01 and WW52001). CEQA requires that public agencies such as the District identify the significant adverse impacts and beneficial environmental effects of their actions. Beneficial impacts should be encouraged and expanded where possible and adverse impacts should be avoided or minimized, or mitigated in cases where avoidance and minimization are not possible.

In addition to acting as the CEQA Lead Agency for its projects; the District's mission includes objectives to conduct its activities in an environmentally sensitive manner as a steward of Santa Clara Basin watersheds. The District strives to preserve the natural qualities, scenic beauty and recreational uses of Santa Clara Valley's waterways by using methods that reflect an ongoing commitment to conserving the environment. This MND is intended to allow the public to fully understand the environmental implications of the project and incorporates the CEQA process to achieve District goals, which include:

- Providing public accountability for projects it proposes or approves;
- Ensuring interagency cooperation during project planning;
- Allowing full public review and participation in project planning; and,
- Integrating environmental considerations into its decisions.

Decision to Prepare a Mitigated Negative Declaration for this Project

The Initial Study (Section 4) for the project identifies potentially significant effects on biological resources and from hazards and hazardous materials. Mitigation measures have been proposed for the project to reduce these potential effects to less-than-significant levels; and therefore, a Mitigated Negative Declaration is consistent with CEQA Guidelines §15070 which indicate that a Mitigated Negative Declaration is appropriate when:

The project Initial Study identifies potentially significant effects, but:

a. Revisions to the project plan are made that would avoid, or reduce the effects to a point where clearly no significant effects would occur, and

b. There is no substantial evidence that the project, as revised, may have a significant effect on the environment.

Public Review Process

This MND ~~will be~~ was circulated to local, state and federal agencies, interested organizations and individuals who may wish to review and provide comments on the project description, the proposed mitigation measures or other aspects of the report. The publication ~~will~~ commenced a 30-day public review period per CEQA Guidelines §15105(b) beginning on **March 18, 2009** and ending on **April 20, 2009**.

The MND ~~is~~ was available for review:

- At local libraries:
  Alviso branch, 5050 North First Street, San Jose
  Dr. Martin Luther King Jr. Library, 150 E. San Fernando Street, San Jose

- Posted on the District website: www.valleywater.org (click on "CEQA public review documents" under "district quick links" on the home page), or

- Via written request for a copy from the District.

Written comments or questions regarding the MND should be submitted to the name and address indicated below. Submittal of written comments via e-mail will greatly facilitate the response process.

Michael Martin
Environmental Planner
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118-3614

Phone: (408) 265-2607 ext. 3095
Fax: (408) 979-5656
e-mail: michaelmartin@valleywater.org

The District ~~will~~ considered all comments and ~~make~~ made any necessary changes to the document prior to approval of the Final MND by the District Board of Directors.

Interagency Collaboration and Regulatory Review

The CEQA review process is intended to provide both trustee and responsible agencies with an opportunity to provide input into the project in order to assist with their responsibilities. Trustee agencies are state agencies that have authority by law for the protection of state lands and natural resources held in trust for the public such as the State Lands Commission. Responsible agencies are those that have some responsibility or authority for carrying out or approving a project; in many instances these public agencies must make a discretionary decision to issue a permit; provide right-of-way, funding or resources to the project. In this instance the City of San

Jose and California Department of Toxic Substance Control would be considered responsible agencies.

In addition, because the project occurs in the South Bay Asbestos Superfund Site administered by the United States Environmental Protection Agency there are federal requirements that will have to be met.

This MND is intended to assist federal, state and local agencies carry out their responsibilities for permit review or approval authority over various aspect of the project. The Gold Street Educational Center would likely require project-specific permitting as summarized in Table 1 below.

Table 1 Summary of Agency Approvals

Agency	Permit/Review Required
City of San Jose	Site Development Permit Review of Soil Management Plan Encroachment to Gold Street right-of-way Building Permit Grading Permit Approval as Local Enforcement Agency under CCR Title 27
California State Lands Commission	Land owner – approve lease for property
California Department of Toxic Substance Control	Review of project and Soil Management Plan
California Integrated Waste Management Board	Review of project and Soil Management Plan
United States Environmental Protection Agency	Review of project and Soil Management Plan

Section 2 Project Description

Project Background

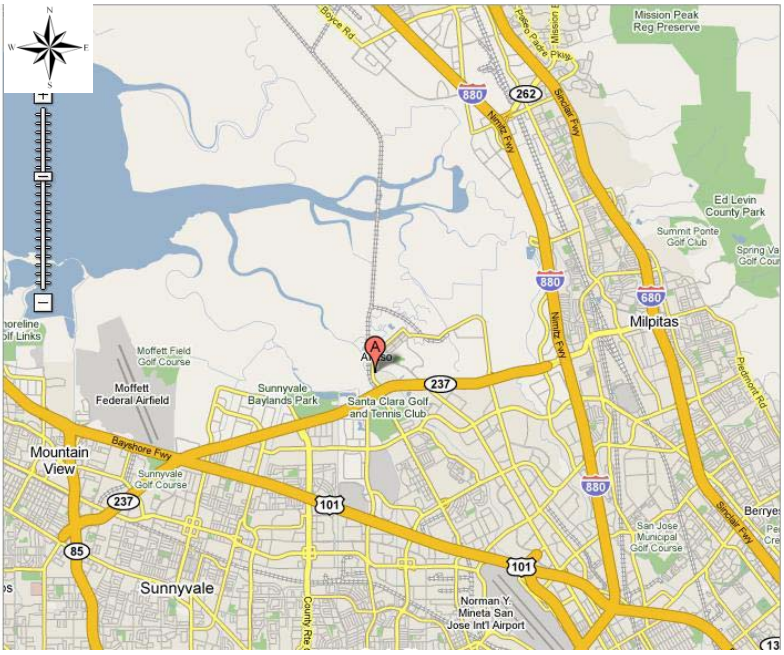
On July 9, 2002 The District Board of Directors approved the Lower Guadalupe River Flood Protection Project and requested staff to identify additional environmental and/or recreational enhancement opportunities for the Alviso area. Staff presented four enhancement measures for the Board's consideration on July 8, 2003 including an educational center adjacent to the Guadalupe River. The Board directed staff to pursue planning of an educational center on a vacant half-acre parcel owned by the State Lands Commission that would include benches and incorporate trailside interpretive displays. The environmental features would include landscaping with native vegetation, and a small parking area that would allow the site to serve as a staging area for users of the planned trail to be located along the levee immediately across the river.

Staff presented three alternatives to develop an educational center in a Planning Study Report that the Board considered on June 24, 2008. The Board directed staff to continue with the development of plans and design for an alternative that includes a gazebo and restroom. Staff developed the following objectives and process to analyze alternatives for the Project:

- Develop an educational center at the Gold Street parcel that serves to highlight Alviso's history and close association with the Guadalupe River and South San Francisco Bay.
- Provide a link to recreation trails in the vicinity of the site.
- Work closely with representatives of the Alviso community to define the features of the educational center, particularly the content of historical and/or interpretive displays.

Project Location

Figure 1 presents a general location map of project and vicinity. Aerial photos of the Gold Street parcel are shown in Figure 2.



The site is approximately one-half acre in size, and is bordered to the north by the Guadalupe River and adjacent levee, by office buildings to the south and across Gold Street to the west, and by Summerset Mobile Estates to the east. The site is owned by the California State Lands Commission and is currently vacant.

Figure 1: Project Vicinity Map (Source: Google Maps)

Figure 2. Aerial Views of Project site

Project Scope of Work

The Gold Street Educational Center would include: a 10-12 stall asphalt parking area, decomposed granite trails, interpretive signage, a gazebo, a restroom, rope fencing, sidewalk improvements along Gold Street, and landscaping with a mixture of native and drought tolerant shrubs and trees. The educational center would provide a link to adjacent recreation trails, and an opportunity to educate the public about the history of Alviso in association with the Guadalupe River, and the District's mission of water supply, water conservation, flood protection, and watershed stewardship. Prior to a final design, the District would conduct a geotechnical investigation of the underlying soils and negotiate a lease with the State Lands Commission to develop the property.

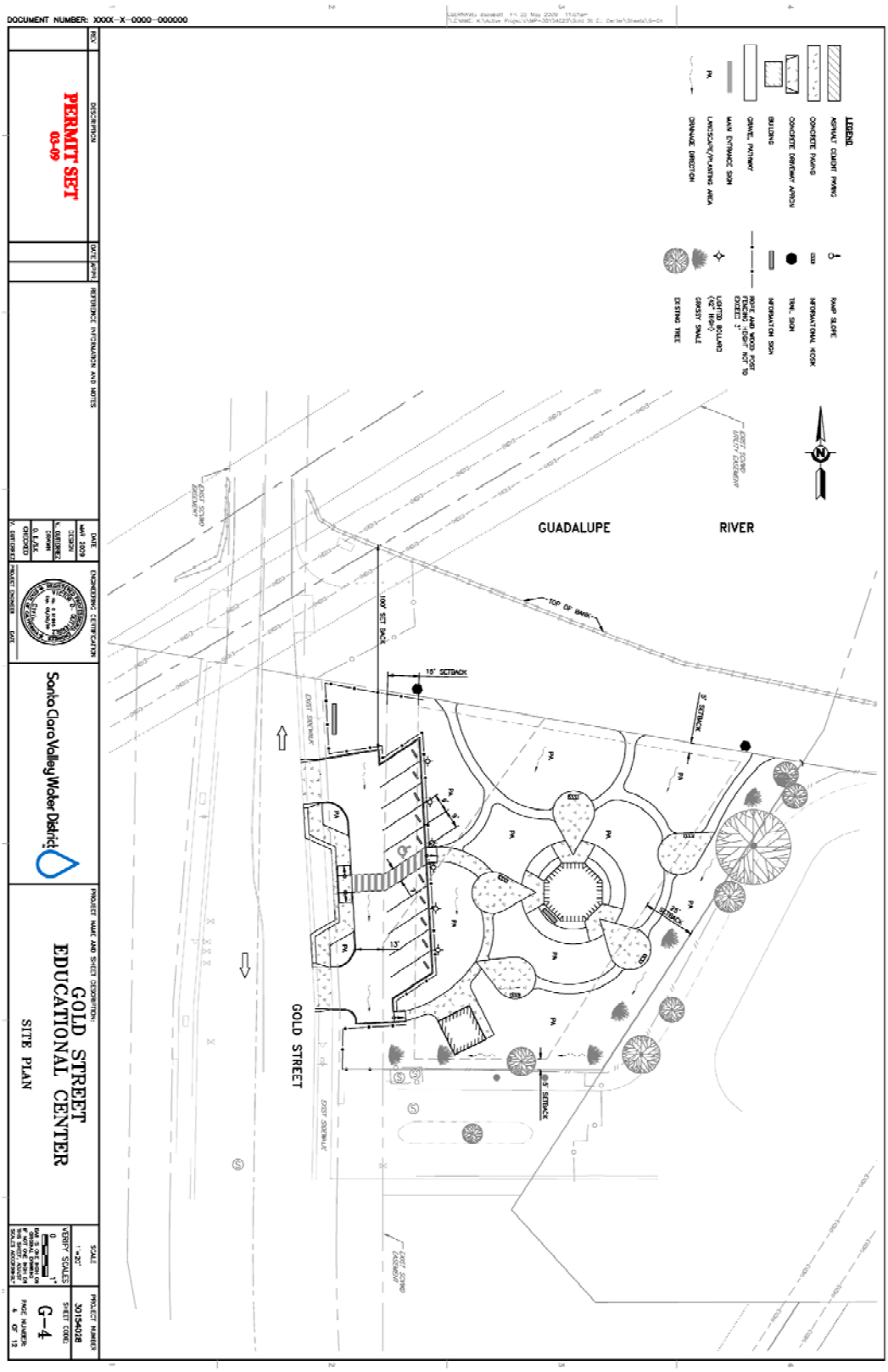
The restroom would be an approximately 225 square foot split face block building with separate rooms for men and women. The restroom structure would also include a storage room for supplies and any other storage necessary for the site.

The gazebo would be an open steel structure, approximate 35 feet in diameter, similar to a gazebo at the Coyote Outdoor Classroom (Figure 3).

The parking lot is proposed in the right-of-way of Gold Street. The City of San Jose would need to approve an encroachment permit to allow construction of this improvement ~~vacate that portion of the right-of-way or approve an easement to State Lands Commission (which owns the property proposed for the educational center)~~.

Figure 3: Coyote Outdoor Classroom gazebo

Figure 4: SITE PLAN



A vegetated swale would be constructed near the parking lot to filter and detain storm water on-site prior to release to the storm water system. The swale would be ~~designed~~ sized to standards included in the Santa Clara Valley Urban Runoff Pollution Prevention Program in order to limit the quantity and timing of storm runoff from the site to existing levels. The parking lot would include bollard lighting to illuminate it at night.

In 2004 staff initiated negotiations with the State Lands Commission to acquire the Gold Street parcel for an educational center. The Commission advised that the Gold Street parcel is a "sovereign tide and submerged land" and that sale or transfer of such lands is severely limited under Article 10 of the State Lands Commission. However, the Commission indicated that leasing the property may be a possibility. Upon completion of the CEQA analysis and documentation process for the project, the District proposes to negotiate a long-term lease agreement for the Gold Street parcel with the State Lands Commission.

Construction Elements

Prior to construction, a geotechnical investigation would be conducted to examine the soils under the proposed structures in order to finalize design details of structural foundations.[2] The investigation would consist of three to five bores drilled to a depth of 30 to 40 feet. All borings would be backfilled per District standards.

To develop the proposed educational center, the site would be graded and proposed structures constructed on site. Approximately 250 cubic yards of clean fill may need to be imported to help level out the site. Water, sewer, storm drain and electrical lines would be connected to existing infrastructure located in Gold Street. Once the structures, parking lot, and paths were complete, the site would be landscaped including an irrigation system. Staging of construction equipment and worker parking would occur on-site.

Operation and Maintenance

The facility would be open from dawn to dusk. The District would be responsible for maintaining the facility including emptying trash receptacles and cleaning the restrooms on a regular basis. The landscaping would be maintained on a weekly to monthly basis.

Best Management Practices

The District has defined Best Management Practices (BMPs) as preventive measures that are incorporated into District activities and operations. Generally these practices are structural treatments or non-structural behaviors, methods, actions, procedures, or other management practices that have been shown to prevent, avoid or minimize potential adverse environmental effects. BMPs are designed for routine incorporation into project designs and represent the 'state of the art' prevention practices. When a project requires additional or more specific avoidance or minimization measures not included in the District's BMP handbook, such practices and/or measures are evaluated during the environmental review process as project specific mitigation measures. BMPs are noted in the discussion of impacts in Section 4 and are listed in the Mitigation Monitoring and Reporting Program Summary Table.

BMPs would be incorporated in the construction documents (plans and specifications) prepared for the project, so all District contractors employed on the proposed project will be contractually required to adhere to them.

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[2] Geotechnical studies would normally precede the environmental analysis, but since the project area is within a Superfund site the geotechnical studies have the potential to result in a significant impact to the environment and therefore must be included in this CEQA analysis. CEQA Guidelines Section 15300.2 prohibits the use of categorical exemptions if the site is included on a hazardous waste site list.

Section 3 Environmental Setting

The site is a vacant half-acre parcel on the east side of Gold Street just to the south of the Guadalupe River. The Summerset Mobile Estates, a mobile home park, is located to the east. Office buildings are located to the south and across Gold Street to the west. The site is separated from the Guadalupe River by a levee that includes a walking trail that follows the river.

The proposed project is located within the South Bay Asbestos Area, a Superfund site on the Federal National Priority List, which encompasses all of Alviso. The project site is nearby or included in the closed Santos Landfill, which accepted residential and commercial waste from approximately 1953 until the early 1960s. The Santos Landfill was one of three landfills in the Alviso area that are thought to have received asbestos waste from an asbestos-cement pipe manufacturing plant. The former dump site may contain materials including soil fill, construction debris, and refuse.

The Guadalupe River traversed portions of the site until the 1960's, when the river was straightened and the current levees located. The Lower Guadalupe River Flood Protection Project, which improved levees and provided for other flood protection elements, was accepted by the District as complete in 2006.

More detailed information of the environmental setting can be found in the discussion of the resource areas that may be affected by the project.

Figure 5: Project site from Gold Street

Section 4 Environmental Evaluation

Initial Study Checklist
In accordance with CEQA, the following Initial Study Checklist is an analysis of the project's potential environmental effects to determine the appropriate level of environmental review needed. Answers to the checklist questions provide factual evidence and District rationale for determinations of the potential significance of impacts resulting from the proposed project.

The Initial Study checklist shows that the proposed project may have potentially significant effects on air quality, biological resources and from hazards and hazardous materials. Mitigation measures have been proposed for the project to reduce such effects to less-than-significant levels; and therefore, the proposed Mitigated Negative Declaration is consistent with CEQA Guidelines §15070. Descriptions of the BMPs and mitigation measures to be incorporated in the proposed project are included.

ENVIRONMENTAL CHECKLIST FORM

1.	Project Title:	Gold Street Educational Center
2.	Lead Agency Name and Address:	Santa Clara Valley Water District 5750 Almaden Expressway San Jose CA 95118
3.	Contact Person and Phone Number:	Michael Martin (408) 265-2600
4.	Project Location:	East side of Gold Street on the south side of the Guadalupe River, Alviso (San Jose), CA APN 015-34-019
5.	Project Sponsor's Name and Address:	Santa Clara Valley Water District 5750 Almaden Expressway San Jose CA 95118
6.	General Plan Designation:	Public Park and Open Space within the Alviso Planned Community
7.	Zoning:	R-MH, Mobilehome Park Residential
8.	Description of the Project:	Educational center
9.	Surrounding Land Uses and Setting:	West and south – Office Park East – Mobilehome Park North – Guadalupe River
10.	Other public agencies whose approval is required:	City of San Jose, California Department of Toxic Substance Control, California State Lands Commission, California Integrated Waste Management Board, U.S. Environmental Protection Agency

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

	Aesthetics		Agricultural Resources	✓	Air Quality
✓	Biological Resources		Cultural Resources		Geology / Soils
✓	Hazards & Hazardous Materials		Hydrology / Water Quality		Land Use / Planning
	Mineral Resources		Noise		Population / Housing
	Public Services		Recreation		Transportation / Traffic
	Utilities / Service Systems		Mandatory Findings of Significance		

On the basis of this initial evaluation:

The District finds that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	
The District finds that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	✓
The District finds that the proposed project MAY have a significant effect on the environment and an ENVIRONMENTAL IMPACT REPORT is required.	
The District finds that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	
The District finds that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	

_____ _____

Signature Date

Michael Martin
Environmental Planner
Santa Clara Valley Water District

1. AESTHETICS

Would the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				✓
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				✓
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				✓
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				✓

1a/b/c) Visual Character

The project is not located near a scenic highway ~~or other designed scenic resource~~, <u>but is adjacent to a Trail and Pathway Corridor (the Guadalupe River) identified in the City of San Jose General Plan. The identified corridors provide the City with many scenic and recreational opportunities.</u> The project site is currently undeveloped and dominated by weedy vegetation. It is surrounded on three sides by residential and office uses and the Guadalupe River to the north. Developing the site into an educational center could be considered a beneficial aesthetic impact by integrating a vacant lot into the surrounding development <u>and planting native vegetation</u>.

1d) Light/Glare

The surrounding residential and office uses include lighting. <u>The project will include lighting bollards in the parking lot, with the light pointed downward to minimize disturbance to the surrounding uses and the riparian corridor.</u> The inclusion of lighting in the proposed parking lot would result in a slight increase of night time lighting in the area, but would not create substantial light or glare, or affect night time views in the area.

2. AGRICULTURE RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				✓
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?				✓

The site is not in agricultural production and would not impact agricultural uses on the site or elsewhere.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				✓
b) Violate any air quality standard or contribute to an existing or projected air quality violation?			✓	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			✓	
d) Expose sensitive receptors to substantial pollutant concentrations?		✓		
e) Create objectionable odors affecting a substantial number of people?				✓
f) Result in a cumulatively considerable net increase of greenhouse gases?			✓	

3a) Air Quality Plans

Santa Clara County is in the Bay Area Air Quality Management District (BAAQMD), which is responsible for developing plans to attain and maintain air quality standards. BAAQMD has approved two air quality plans – the 2000 Air Quality Plan and the 2001 Ozone Attainment Plan.

The two air quality plans approved by BAAQMD focus on vehicle trip reduction strategies and specific industrial processes. The project would have no impact to approved air quality plans.

3b/c) Air Quality Standards

The Bay Area is in attainment for national ambient air pollutant standards for carbon monoxide, but is in non-attainment for federal and state standards for ozone (one hour standard) and fine particulate matter (PM_{10}, both annual mean and 24-hour standards). Fine particulate matter represents dust smaller than 10 microns in diameter that can be lodged in the lungs.

Construction emissions are typically generated by wind erosion of exposed soils, the use of heavy equipment, the transport of materials, and construction employee commute trips. Construction-related emissions consist primarily of reactive organic gases (ROG), oxides of nitrogen (NOx), PM_{10}, and carbon monoxide (CO). Emissions of ROG, NOx, and CO are generated primarily by the operation of gas and diesel-powered motor vehicles, asphalt paving activities, and the application of architectural coatings. Emissions of PM_{10} can result from a variety of construction activities, including excavation, grading, wind erosion of exposed graded surfaces demolition, vehicle travel on unpaved surfaces, and vehicle and equipment exhaust.

The BAAQMD considers PM_{10} the pollutant of greatest concern with respect to construction activities. Construction equipment emits carbon monoxide and ozone precursors; however, these emissions are included in the emission inventory that is the basis for regional air quality plans, and are not expected to impede attainment or maintenance of ozone and carbon

monoxide standards in the Bay Area. BAAQMD's approach to CEQA analyses of PM_{10} generation during construction is to emphasize implementation of effective and comprehensive control measures rather than detailed quantification of emissions. If all of the control measures indicated in the BAAQMD CEQA Guidelines will be implemented, then air pollutant emissions from construction activities are considered to be sufficiently mitigated to a less than significant level. These dust control measures would be incorporated into the project as BMPs – AQ-1 (Dust Control Measures).

3d) Exposure to Pollutant Concentrations

The proposed project is located within the South Bay Asbestos Area, a Superfund site on the Federal National Priority List. The site was nearby or part of the closed Santos Landfill, which accepted residential and commercial waste. The Santos Landfill was one of three landfills in the Alviso area that are thought to have received asbestos waste from a local asbestos-cement pipe manufacturing plant.

A Phase II Environmental Site Assessment did not find materials on-site that would pose a significant, chronic threat to human health or the environment. However, given the history of the site there is still the possibility of hazardous materials being discovered and released to the air during construction. BMPs for dust control and mitigation measure HM-1 (Soil Management Plan), which is discussed under Hazards and Hazardous Materials, minimize the likelihood of release of hazardous materials to the air to less than significant level.

3e) Odors

The project is not anticipated to generated odors during construction or during operation.

3f) Greenhouse Gasses

The project would result in the greenhouse gasses from construction equipment operating on the site and from traffic generated from maintenance and visitors.

Traffic from maintenance and visitors is not expected to result in new traffic trips. Traffic to the site would likely be from visitors that would otherwise visit the area and park elsewhere if the proposed education center were not available. Likewise, maintenance is likely to be included into existing maintenance scheduling and routes performed either by the District or under a contract from the District.

Although construction related activities will result in emissions from construction equipment, the construction period will be of limited duration and of limited scope. This impact is not considered cumulatively considerable.

Best Management Practices
AQ-1: Dust Control Measures
(See Appendix A for details)

4. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game, U.S. Fish and Wildlife Service, or NOAA - Fisheries?		✓		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			✓	✓
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal) through direct removal, filling, hydrological interruption, or other means?				✓
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				✓
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			✓	✓
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				✓
g) Adversely affect previously established mitigation site(s) for other project(s)?				✓

4a) Sensitive Species

Background

It is unlawful to "take" a federally or state protected animal and plant species. "Take" is defined by the Federal Endangered Species Act as: "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct (16 USC 1532)." The State defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill". Take of a special-status species would be considered a significant impact.

Special-status species are defined as plants and animals that are protected under California or Federal Endangered Species Acts (ESA) or other regulation, and species that are considered sufficiently rare by the scientific community to qualify for such listing. Special-status plants and animals are species in the following categories:

- Species listed or proposed for listing as threatened or endangered under the federal ESA (50 CFR 17.12, 50 CFR 17.11, and various notices in the Federal Register)

- Species that are candidates for possible future listing as threatened or endangered under ESA (61 FR 40 7596-7613)
- Species listed or proposed for listing by the State of California as threatened or endangered under the California ESA (14 CCR 670.5)
- Species that meet the definitions of rare or endangered under CEQA (14 CCR 15380)
- Plants considered by the CNPS to be "rare, threatened, or endangered in California" (Lists 1B and 2)
- Animal species of special concern to the CDFG as identified in CDFG's Special Animals List
- Bird species that are CDFG first- or second-category species of special concern
- Animals fully protected in California (California Fish and Game Code, Sections 3511, 4700, and 5050)

Discussion

The project area is surrounded by development on three sides and has been previously disturbed. The only special status species with the potential to be affected by the project is the burrowing owl, a state Species of Special Concern. Burrowing owls favor flat, open grassland with sparse or non-existent tree or shrub canopies. They are found in close association with ground squirrels as burrowing owls use ground squirrel burrows for shelter. Ground squirrels provide burrows and maintain short vegetation height, which provides visual protection from avian predators and foraging habitat. In California, the burrowing owl has been designated due to diminishing habitats and concurrent population declines.

Burrowing Owl

Burrowing owls are known to inhabit the levees of the Guadalupe River and surrounding area. In 2002, Legacy Partners constructed a burrowing owl mitigation habitat site on the Legacy Terrace Development Open Space Preserve approximately 1,500 feet to the southwest. In five years of monitoring no burrowing owls were found on the mitigation site. (Wetlands Research Associates, 2007).

In a visit to the project site on November 13, 2008, no ground squirrel burrows were noted. The area was surveyed for burrowing owls during the winter migratory season in 2007-08 and again during the breeding season during 2008 but no burrowing owls were observed in the project area.[3] The absence of burrows on site reduces the likelihood of disturbing burrowing owls, but the site could provide suitable habitat in the future. To ensure that occupied burrows are not disturbed during grading activities, the District will implement MM BIO-1, which requires pre-construction surveys for burrowing owls and buffer zones around occupied burrows.

Mitigation Measure for burrowing owl

MM BIO-1 – Burrowing Owl surveys and buffer zones

Pre-construction surveys for burrowing owls will be conducted by a qualified ornithologist with local experience, prior to any soil-altering activity within the Project area. Pre-construction surveys will be conducted per CDFG guidelines (no more than ~~30~~ 14 days prior to the start of soil moving activities), and re-checked on the first day just prior to commencement of project activities, regardless of the time of year in which grading occurs. If no burrowing owls are found, then no further mitigation would be warranted.

If ~~breeding~~ burrowing owls are located on or immediately adjacent to the site, a 250-foot construction-free buffer zone, or larger if deemed appropriate by the ornithologist, will be established around the active burrow ~~will be established as determined by the~~

[3] Personal communication with Joe Chavez, biologist with the Santa Clara Valley Water District.

~~ornithologist~~. If avoidance is not feasible, the ornithologist, in consultation with CDFG, may use passive relocation techniques (such as installing one-way doors at burrow entrances) to displace burrowing owls from the construction areas to avoid the loss of any individuals. At last one week is required to accomplish passive relocation and allow owls to acclimate to alternate burrows. Burrowing owls will not be evicted from the site during the breeding season. ~~If owls are resident during the non-breeding season, a qualified ornithologist with local experience, in accordance with accepted biological protocol, will move the owls in consultation with CDFG.~~

Nesting Birds

The Migratory Bird Treaty Act (16 U.S.C. Section 703) prohibits killing or possessing migratory birds expect in accordance with regulation prescribed by the Secretary of the Interior, including nests and eggs. Birds of prey are also protected in California under Fish and Game Code Section 3503.5. Removal or disturbance of the active nests could result from grading activities. The inclusion of BMPs BIO-1 (Migratory Bird Survey), BIO-2 (Nesting Prevention – Vegetation Clearing) and BIO-3 (Nesting Exclusion Devices) will reduce the likelihood of birds nesting on site. However, if active nests are discovered on the project site, the project could still result in a significant impact. Implementation of **MM BIO-2**, requiring nest protections and buffer zones of active nests, would reduce the impact to a less than significant level.

MM BIO-2 – Nest protection and buffer zones

In the event that an active nest of a protected bird species is discovered in the project area during construction, or in adjacent areas considered to have the potential to be disturbed by construction, a protective buffer zone shall be established around the nest as recommended or approved by applicable resource agencies, or as follows: ~~A 20-foot radius protective buffer zone shall be established around the nest of any non-raptor, ground-nesting bird, and~~ a 50-foot radius protective buffer zone shall be established around nests ~~in shrubs, trees, on structures, on equipment, etc.,~~ except for raptor nests. The protective buffer zone shall be 250 feet for hawks, owls (excluding burrowing owls), herons and egrets. The ornithologist may prescribe larger buffer areas if monitoring shows that project activities continue to disrupt nesting birds. Fencing shall be installed at the boundary of each new protective buffer zone. All protective buffer zones shall be maintained, and no entrance shall be allowed into protective buffer zones, until such time as the nest becomes inactive.

4b-d) Sensitive Habitats and Wetlands / Wildlife Movement

The project area contains weedy vegetation and is surrounded by development. There are no sensitive habitats on the project site, nor does it support wildlife movement or provide a corridor between habitat areas. The site is adjacent to the Guadalupe River, but as discussed below, would not significantly impact riparian habitat.

4e) Local Policies

The City of San Jose has a Riparian Corridor Policy for areas in the City adjacent to creeks and rivers. The site is adjacent to the Guadalupe River, but is located outside of the riparian corridor. There is no riparian vegetation outside of the channel in this section of the Guadalupe River, so the top of the flood wall would be considered the edge of the riparian corridor under the Riparian Corridor Policy. The site currently drains away from the river, and this would not be altered by the project. The proposal is for a passive recreation facility, which is a compatible use adjacent to the riparian corridor. The gazebo and restroom are located outside of a 100-foot riparian buffer recommended in the Riparian Corridor Policy. A small portion of the parking lot extends into the 100-foot buffer; the setback on the south property line and infrastructure

along Gold Street make adjusting the parking lot further to the south infeasible. Although a small piece of the parking lot is in the buffer area, the project still meets the intent of the Riparian Corridor Policy: the project does not change the amount, timing or quality of storm run-off by complying with provisions of the Santa Clara Valley Urban Runoff Pollution Prevention Program; the project will replace the existing weedy rudereal vegetation on-site with native and drought tolerant vegetation consistent with the Riparian Corridor Study and Alviso Master Plan which will improve the quality of habitat on the site; and the parking lot is immediately adjacent to Gold Street which already disturbs the buffer area. If one space was eliminated from the parking lot, the project could conform to the 100-foot buffer, but may not provide enough spaces to comply with off-street parking regulations. Lighting will be limited to bollards in the parking lot necessary for public safety, with the light pointed downward such that the lights will not disturb the riparian corridor or buffer area outside of the parking lot.

The project would be consistent with General Plan policies to protect riparian corridors by minimizing impacts to the Guadalupe River and by replacing the existing weedy vegetation with native and drought tolerant vegetation consistent with the plant lists in the Riparian Corridor Policy and Alviso Master Plan.

The project would not require the removal of trees. The project would be consistent with natural resource polices of the City of San Jose.

4f) Habitat Conservation Plan

There is no adopted Habitat Conservation Plan for the region. Project implementation would occur consistent with the Habitat Conservation Plan/Natural Communities Conservation Plan being developed by the County of Santa Clara, Santa Clara Valley Transportation Authority, Santa Clara Valley Water District, and the Cities of San Jose, Gilroy and Morgan Hill with the California Department of Fish and Game, U.S. Fish and Wildlife Service, and National Marine Fisheries Service.

4g) Other Mitigation Sites

The project does not interfere with mitigation commitments for any other project.

Best Management Practices

BIO-1: Migratory Bird Surveys
BIO-2: Migratory Bird Nesting Prevention Vegetation Clearing
BIO-3: Migratory Bird Nesting Exclusion Devices

5. CULTURAL RESOURCES

Would the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?			✓	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?			✓	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			✓	
d) Disturb any human remains, including those interred outside of formal cemeteries?			✓	

The site was previously used as, or immediately adjacent to, a landfill. The Phase I Environmental Site Assessment performed for the project notes that the site appears to have been submerged in a 1965 aerial photograph. Therefore it is likely that the site contains fill material. Given the disturbed nature of the site and the minimal excavation needed for the project, it is unlikely that cultural resources would be uncovered. To address the potential for the unexpected discovery of historic resources standard BMPs are included in the project: Cult-01 (Archeological Finds) and Cult-02 (Burial Finds).

Best Management Practices
Cult-1: Archeological Finds
Cult-2: Burial Finds

6. GEOLOGY AND SOILS

Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Rupture of known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				✓
b) Strong seismic ground shaking?			✓	
c) Seismic-related ground failure, including liquefaction?			✓	
d) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			✓	
e) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			✓	
f) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?				✓
g) Would the project result in substantial soil erosion or the loss of topsoil?			✓	
h) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			✓	

6 a-f) Geologic Hazards

The project is located between the San Andreas Fault to the west and the Hayward and Calaveras Faults to the east, but is not located over a known fault. The site may contain fill and may have been used as a landfill in the past. The site is mapped as having a 'very high' susceptibility to liquefaction by the United States Geological Survey. High groundwater was encountered in parts of the site during the Phase II Environmental Site Assessment.

The District would conduct geotechnical studies as part of the design of the structures proposed for this project as discussed in the project description. Structures would be designed to appropriate building standards given the results of the geotechnical investigation. The City of San Jose must review and approve a building permit prior to construction. The approved design would ensure that the project would not expose people or structures to geologic hazards including fault rupture, ground shaking, liquefaction, landslides, or expansive soils.

6g) Soil Erosion

Soil erosion would be limited by the dust control BMPs discussed in Air Quality and water quality BMPs discussed in Hydrology and Water Quality. The project would result in a less than significant impact to soil erosion.

6h) Septic Systems

The project will be connected to the municipal sewer system. No septic systems are proposed.

7. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			✓	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			✓	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?				✓
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?		✓		
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				✓
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				✓
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				✓

7a/b) Use of Hazardous Materials

Construction would bring large equipment to the site to excavate the project area and construct the proposed structures. No hazardous materials other than minimal quantities of fuels, coolants, and lubricants, would be used. The inclusion of BMPs HM-1 (Vehicle and Equipment Cleaning), HM-2 (Vehicle and Equipment Fueling), HM-3 (Vehicle and Equipment Maintenance), HM-4 (Hazardous Material Management), HM-5 (Spill Prevention), and HM-6 (Spill Kit Location) ensure that the potential for the release of hazardous material from accidental spills and/or leaks during construction is less than significant.

The project may require weed control in the proposed landscaping. Weed management may be conducted by a combination of hand pulling, hand tools, mechanical tools such as mowers, and herbicide use. All herbicides would be applied by properly trained personnel using wand applicators to minimize spray on non-target vegetation and would comply with standard BMPs and the District's pesticide policies. The District has standard BMPs for pesticide use including HM-7 (Herbicide Use Requirements), HM-8 (Types of Pest Control), HM-9 (Alternative Evaluation and Approval of Pest Control), HM-10 (Posting and Notification for Pesticide Use), HM-11 (Pesticide Usage Requirements), HM-12 (Pesticide Use Reporting), and HM-13

(Herbicide Use in Upland Areas). The incorporation of BMPs for herbicide use results in a less than significant impact to public health hazards from weed control.

The District authorized a Phase I Environmental Site Assessment in May 2006 and a Phase II assessment in June 2006. (Kleinfelder, 2006) The assessments concluded that concentrations of potential pollutants are not expected to adversely affect the public health or the environment. Asbestos concentrations were below thresholds for naturally occurring asbestos in four of seven soil samples and absent from the other three.

7c) Hazardous Emissions near Schools

George Mayne Elementary School is approximately a half-mile away from the site. The operation of the proposed educational center would not result in hazardous emissions. Construction related exposure from hazardous materials potentially existing on site is discussed below, but would not result in hazardous emissions to the school.

7d) Hazardous Materials Site

Background

The proposed project is located within the South Bay Asbestos Area (SBA), a Superfund site on the Federal National Priority List, which encompasses all of Alviso. The project site is nearby or included in the closed Santos Landfill, which accepted residential and commercial waste from approximately 1953 until the early 1960s. The Santos Landfill was one of three landfills in the Alviso area that are thought to have received asbestos waste from an asbestos-cement pipe manufacturing plant. The former dump site may contain materials including soil fill, construction debris, and refuse.

The United States Environmental Protection Agency (EPA) formally listed the SBA on the National Priority List in 1986. The EPA has completed two remedial actions in Alviso: the removal of the ring levee which was constructed with material containing serpentine soils, a source of naturally occurring asbestos; and the paving of dirt parking lots and truck yards where asbestos was found in soils at concentration greater than one percent.

In the most recent five-year review report on the SBA, the EPA recommends that evaluation continue into a health-based standard for asbestos levels in soil, and that deed restrictions be pursued on lands in the former Santos and St. Claire Landfills to ensure the integrity of landfill caps, or determine if new Post-Closure Maintenance and Reuse of Disposal Sites regulations promulgated by the State of California provide equivalent protections (Environmental Protection Agency, 2005). As the site is on the Federal National Priority List and part of a closed landfill the EPA, California Department of Toxic Substance Control, and the California Integrated Waste Management Board will review the proposal. The City of San Jose, acting as the Local Enforcement Agency will coordinate this review and has approval authority under Title 27 of the California Code of Regulations.

Discussion

The District authorized a Phase I Environmental Site Assessment in May 2006 and a Phase II assessment in June 2006. (Kleinfelder, 2006) The assessments concluded that concentrations of potential pollutants are not expected to adversely affect the health of construction workers or future occupants of the site. Asbestos concentrations were below thresholds for naturally occurring asbestos in four of seven soil samples and absent from the other three.

There is still a chance of encountering hazardous materials during geotechnical investigations, excavation and construction of the site despite the findings of the environmental site

assessments. To reduce the potential impact of exposing and releasing hazardous materials on site **MM ~~HAZ~~ HM-1** requires the preparation of a Soil Management Plan and Health and Safety Plan prior to any ground disturbing activities and its implementation during geotechnical investigations, excavation, and grading.

Mitigation Measure for Hazardous Materials

MM HM-1 – Soil Management Plan / Health and Safety Plan
A certified industrial hygienist shall prepare a Soil Management Plan and Health and Safety Plan prior to any field boring explorations, grading operations and other land excavation. The plans shall include protocols for collecting soil and ground water samples from borings for hazardous material testing; protocols for chemical analysis of collected samples; appropriate recommendations for remediation of any contaminated soils encountered during soil sample collection and construction; standards for site maintenance, dust control and erosion control; and standards for safety and training for workers involved with borings and excavation.

The District shall ensure that the Soil Management Plan and Health and Safety Plan are implemented throughout the project. A Soil Management Plan would also be required for any future excavation on the site associated with the operation of the education center.

7e/f) Airport Land Use Plan

Mineta San Jose International Airport and ~~Moffitt~~ Moffett Field are both approximately four miles from the site. The proximity to regional airports would not result in a safety hazard for people working in or visiting the project area.

7g) Emergency Plans

The proposed project would not impact adjacent roadways and therefore not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

7h) Wildland Fires

The project site is surrounded by developed uses and the Guadalupe River. The project does not include features that would increase the risk of a wildland fire.

Best Management Practices

HM-1: Vehicle and Equipment Cleaning
HM-2: Vehicle and Equipment Fueling
HM-3: Vehicle and Equipment Maintenance
HM-4: Hazardous Materials Management
HM-5: Spill Prevention
HM-6: Spill Kit Location
HM-7: Herbicide Use Requirements
HM-8: Types of Pest Control
HM-9: Alternative Evaluation & Approval of Pest Control
HM-10: Posting & Notification for Pesticide Use
HM-11: Pesticide Usage Requirements
HM-12: Pesticide Use Reporting
HM-13: Herbicide Use in Upland Areas

(See Appendix A for details)

8. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?				✓
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local ground water table level (for example, the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			✓	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			✓	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.			✓	
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?			✓	
f) Otherwise substantially degrade water quality?			✓	
g) Place housing within a 100-year flood-hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				✓
h) Place within a 100-year flood-hazard area structures which would impede or redirect flood flows?			✓	
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			✓	
j) Inundation by seiche, tsunami, or mudflow?				✓

8a/c/f) Water Quality - Erosion and Siltation

Construction activities may expose soil to water erosion and run-off. The project would create new hardscape and pavement totaling approximately 8,850 square feet of new impervious surface. Storm water run-off can contain a variety of pollutants, including oil and grease, nutrients, herbicides from landscaping, and heavy metals from road and parking area pavement. Storm water from the site is carried to the Guadalupe River and can pollute downstream water systems. To minimize the potential for storm water pollution, consistent with regulations of the Santa Clara Valley Urban Runoff Pollution

Prevention Program, the project includes a vegetated detention swale. Runoff from the parking lot would be routed to the swale to filter out pollutants prior to discharge to the storm water system. Storm water from the gazebo, restroom and paved areas would flow to adjacent landscaped areas. The site is not large enough to require a Storm Water Pollution Prevention Plan from the Regional Water Quality Control Board, but the District applies standard BMPs to minimize the potential to degrade water quality including WQ-1 (Groundwater Management), WQ-2 (Site Maintenance and Cleanup), WQ-3 (Water Pollution Control), WQ-4 (Stormwater Pollution Prevention), and WQ-5 (Sanitary / Septic Waste Management). The impact to water quality would be less than significant.

8b) Groundwater

Construction will require only minor excavation and create a small amount of new impervious surface. To prevent contaminants from entering groundwater through geotechnical borings the District implements BMPs for exploratory borings including WQ-6 (Well or Exploratory Boring Material Management), WQ-7 (Well or Exploratory Boring Contaminant Protection), and WQ-8 (Exploratory Boring Destruction). The project would not significantly impact the movement or quantity of groundwater in the area.

8d/e/i) Flooding and Storm Water

The site does not contain a stream or other water feature. Storm water on the site would be routed to a vegetated swale prior to discharge to the storm water system. The swale would be designed and constructed to maintain the existing quality and quantity of storm water coming off the site. The project would not alter drainage patterns or significantly increase the amount of storm water allowed to leave the site and therefore will not increase the risk of flooding on or off-site.

8g/h) 100-Year Flood Hazard

The project site has a flood plain elevation of 11.75 feet according to the Flood Insurance Rate Map produced by the Federal Emergency Management Agency as updated by the Letter of Map Revision dated October 25, 2006. Permanent structures should be at least one foot above the 100-year flood plain. The existing topography of the proposed structures is at approximately 13 feet, which puts the proposed structures out of the 100-year flood event. The project does not involve housing or structures that could impede or redirect flood flows.

8i/j) Seiche, Tsunami and Mudflow

The site does not contain a water feature that would be subject to seiche or tsunami, and is not located in an area that would present or cause hazards due to mudflow.

The site is protected by a levee of the Guadalupe River and is downstream of a number of dams in the Guadalupe Watershed. The chances of dam or levee failure are highly unlikely, and would need to be accompanied by high flows in the Guadalupe to be a threat to the project site. The educational center would not likely be in use under such conditions. The potential impact is less than significant.

Best Management Practices

WQ-1: Groundwater Management
WQ-2: Site Maintenance and Cleanup
WQ-3: Water Pollution Control
WQ-4: Stormwater Pollution Prevention
WQ-5: Sanitary / Septic Waste Management
WQ-6: Well or Exploratory Boring Material Management
WQ-7: Well or Exploratory Boring Contaminant Protection
WQ-8: Exploratory Boring Destruction

9. LAND USE AND PLANNING

Would the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?				✓
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				✓
c) Conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?				✓

The site is zoned R-MH, ~~Residential~~ Mobilehome Park Residential by the City of San Jose and has a General Plan designation of Public Park and Open Space~~. The site is also~~ within the Alviso Master Plan. The proposed educational center is consistent with these land use designations with the approval of a Site Development Permit from the City. The project is also consistent with the Santa Clara County Countywide Trails Master Plan Update by providing an additional staging area for the Juan Bautista de Anza National Historic Trail, San Francisco Bay Trail and Guadalupe Trail, which all located or planned on the north side of the Guadalupe River. The project would not divide an established community or conflict with a Habitat Conservation Plan.

10. MINERAL RESOURCES

Would the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✓
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				✓

The only known mineral resources located in San Jose are in the Communications Hill area. The project site is not located in or adjacent to this designated area.

11. NOISE

Would the project result in:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?			✓	
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?			✓	
c) Substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			✓	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			✓	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✓
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				✓

11a/c/d) Noise Standards / Ambient Noise Level

Background

Major noise sources at the site include the Southern Pacific railroad track to the west, State Route 237 to the south and from aircraft overhead taking off or landing from Mineta San Jose International Airport. The San Jose 2020 General Plan states that the City's acceptable exterior noise level is 55 DNL long-term, and 60 DNL short-term. Acceptable interior noise level is 45 DNL. The plan recognizes that noise levels may not be achieved in the Downtown, and in the vicinity of major roadways and Mineta San Jose International Airport.

Project Impact

Construction impacts

Noise generated during construction depends on the type of equipment used, the timing and length of noise-generating activities, and the distance between the noise-generating activities and nearby sensitive receptors. Construction noise levels vary depending on the number and type of equipment used. Most construction noise is in the range of 75 to 80 dBA measured at a distance of 100 feet.

Noise generated by project construction activities would substantially increase noise levels in the project vicinity on a temporary basis, and may impact adjacent residential uses. Since these impacts would be short-term, construction is expected to only last nine months, with ground moving activities that would generate the most noise being a small part of the construction time frame, this impact is considered less than significant. The City of San Jose General Plan noise policies required that construction operations use noise suppression devices and techniques. This policy is implemented

through the use ~~Construction impacts would be minimized through implementation~~ of standard BMPs including NO-1, Residential Noise Management.

Operational noise

The educational center is not expected to generate a significant amount of noise. The facility does not include active recreational equipment or a playground that could generate noise, and the facility is not anticipated to generate a significant or regular amount of traffic that could increase noise levels in the area. The project would have a less than significant impact to ambient noise levels.

11b) VIBRATIONS

Project related construction would require minimal excavation so construction related vibrations are expected to be below the level of human perception and are a less than significant impact.

The use of the educational center would not generate vibrations.

11e/f) NOISE FROM AIR TRAFFIC

Discussion

The project is approximately four miles from Mineta San Jose International Airport. The project is under the flight path of the airport, but it far enough away that noise from aircraft would not expose visitors to the educational center to dangerous noise levels.

Best Management Practices

NO-1: Residential Noise Management

12. POPULATION AND HOUSING

Would the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				✓
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				✓
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				✓

The project will have no impact on land use or housing. The project would not induce new population or housing or displace existing populations or housing.

13. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or need for new or physical altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Fire protection?				✓
b) Police protection?			✓	
c) Schools?				✓
d) Parks?				✓
e) Other public facilities?				✓

The education center would be closed at night, but has the potential to attract illegal activities – by providing an isolated location for groups to meet and structures that could be tagged with graffiti. Although the site may require occasional police attention the project would not require new or expanded police facilities that could result in an impact to the environment.

The project would not impact existing fire, school or park facilities, and would not result in the need for new or expanded schools or parks.

14. RECREATION

Would the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			✓	~~✓~~
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				✓

~~The project will not create additional demand for existing or new recreational facilities. The project would provide visitors to the area a new trailhead to existing trails and educational information on the Alviso community and the Guadalupe River.~~

The project may result in an increase in the number of visitors to the area and would provide a new trailhead to connect to existing and proposed trails, and other recreational opportunities in the area. On the other side of the Guadalupe River, north of the project site, are the proposed Guadalupe River Trail, San Francisco Bay Trail, Juan Bautista de Anza National Historic Trail, and Alviso Marina County Park. The City's Lower Guadalupe River Trail Plan indicated that the City would install a sign as part of the trailhead to the Guadalupe River Trail at Gold Street directing users to an educational / interpretive center at the District's site. Although the project may increase the number of visitors to the area, it would not require the construction of new recreational facilities or substantially degrade existing facilities.

15. TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (for example, result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			✓	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				✓
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?				✓
d) Substantially increase hazards due to a design feature (for example, sharp curves or dangerous intersections) or incompatible uses (for example, farm equipment)?				✓
e) Result in inadequate emergency access?				✓
f) Result in inadequate parking capacity?				✓
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (for example, bus turnouts, bicycle racks?				✓

The project would serve as a staging area for visitors to the Alviso area and users of trails along the adjacent levee and trails on the north side of the Guadalupe River as discussed under Recreation. The education center is not anticipated to attract a large number of visitors and should not generate a noticeable increase in traffic on adjacent roads. Parking would be provided on-site including a bus turnout for occasional school visits. The project would result in a less than significant impact to the existing traffic load.

Construction of the educational center will require construction vehicles and deliveries of materials to the site. Construction will be for a limited period of no more than nine months, and the District has standard BMPs, TR-1 (Public Safety Measures) to ensure construction traffic and activities do not significantly impact adjacent roadways.

The project would not alter air traffic patterns, increase traffic hazards, impact emergency access or conflict with alternative transportation policies.

Best Management Practices
TR-1: Public Safety Measures

16. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				✓
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction or which could cause significant environmental effects?				✓
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				✓
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				✓
e) Result in a determination by the waste water treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				✓
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				✓
g) Comply with federal, state, and local statutes and regulations related to solid waste?				✓

The project will require minimal utility services. The project would connect to the San Jose Municipal Water System for domestic water and initially for landscape irrigation. The project will be plumbed to use recycled water for the restroom and irrigation and will connect to the South Bay Water Recycling pipeline when this utility reaches the project site. The project will also connect to Pacific Gas & Electric for electricity, City of San Jose~~/Santa Clara Water Pollution Control Plant~~ sanitary sewer system for sewer, and would be served by Garden City Sanitation for refuse disposal. The project would not result in the need for new or expanded services from these providers.

17. MANDATORY FINDINGS OF SIGNIFICANCE

Does the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			✓	
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects.)			✓	
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			✓	

The project would not result in significant impacts associated with the CEQA mandatory findings of significance. Based on the analysis provided in this Initial Study, and the inclusion of Mitigation Measures and Best Management Practices discussed in this report, the proposed educational center would not substantially degrade or reduce wildlife species or habitat, significantly impact cultural resources, result in significant cumulative impacts, or otherwise cause adverse effects on humans.

Section 5 Report Preparation

This section lists those individuals who contributed to the preparation of this Initial Study.

Santa Clara Valley Water District

Prepared by: Michael Martin, Environmental Planner

Under the direction of: Debra Caldon, Environmental Planning Unit Manager

With contributions from:

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Section 6 References

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GOLD STREET EDUCATIONAL CENTER MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY TABLE					
Measure Element #	**Environmental Issue**	**Mitigation Measure**	**Timeframe for Implementation**	**Responsibility for Implementation**	**Responsibility for Oversight**
AIR QUALITY					
BMP AQ-1	Dust Control Measure	Implement Bay Area Air Quality Management District (BAAQMD) control measures for construction emissions of PM_{10}. Current measures stipulated by the BAAQMD CEQA Guidelines include the following (BAAQMD 1999): 1. Active areas shall be watered at least twice per day unless soils are already sufficiently moist to avoid dust. The amount of water must be controlled to avoid runoff, yet dust control is achieved. 2. Trucks hauling soil, sand, and other loose materials shall be covered or shall maintain at least two feet of freeboard. 3. Unpaved access roads, parking areas and staging areas at construction sites shall be paved, watered three times daily, or non-toxic soil stabilizers shall be applied to control dust generation. 4. Paved site access roads, parking areas, and staging areas shall be swept daily (with vacuum-powered street sweepers). 5. Paved public streets shall be swept (with vacuum-powered street sweepers) if visible soil material is carried onto adjacent paved surfaces.	Throughout all construction phases	Contractor	District
BIOLOGICAL RESOURCES					
BMP BIO-1	Migratory Bird Surveys	Migratory bird surveys will be performed <u>no more than 14-days</u> prior to any project-related activity that could pose the potential to affect migratory birds. Inactive bird nests may be removed, with the exception of raptor nests. No birds, nests with eggs, or nests with hatchlings will be disturbed.	Prior to and throughout all construction phases	District	District

GOLD STREET EDUCATIONAL CENTER MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY TABLE					
Measure Element #	**Environmental Issue**	**Mitigation Measure**	**Timeframe for Implementation**	**Responsibility for Implementation**	**Responsibility for Oversight**
BMP BIO-2	Migratory Bird Nesting Prevention Vegetation Clearing	Vegetation can be cleared and maintained to prevent migratory bird nesting. All necessary vegetation clearing will be performed prior to the nesting season, if at all possible. No vegetation will be trimmed back unnecessarily, including trees and/or shrubs growing near the right of way, which overhang onto the work site.	Prior to construction	Contractor	District
BMP BIO-3	Migratory Bird Nesting Exclusion Devices	Nesting exclusion devices may be installed to prevent potential establishment or occurrence of nests in areas where construction activities would occur. All nesting exclusion devices will be maintained throughout the nesting season, or until completion of work in an area makes the devices unnecessary. All exclusion devices will be removed and disposed of when work in the area is complete.	Prior to and throughout construction (as necessary)	District / Contractor	District
MM BIO-1	Burrowing Owl surveys and buffer zones	Pre-construction surveys for burrowing owls will be conducted by a qualified ornithologist with local experience, prior to any soil-altering activity within the Project area. Pre-construction surveys will be conducted per CDFG guidelines (no more than 14 days prior to the start of soil moving activities), and re-checked on the first day just prior to commencement of project activities, regardless of the time of year in which grading occurs. If no burrowing owls are found, then no further mitigation would be warranted. If burrowing owls are located on or immediately adjacent to the site, a 250-foot construction-free buffer zone, or larger if deemed appropriate by the ornithologist, will be established around the active burrow. If avoidance is not feasible, the ornithologist, in consultation with CDFG, may use passive relocation techniques (such as installing one-way doors at burrow entrances) to displace burrowing owls from the construction areas to avoid the loss of any individuals. At last one week is required to accomplish passive relocation and allow owls to acclimate to alternate burrows. Burrowing owls will not be evicted from the site during the breeding season.	Prior to construction	District	District

GOLD STREET EDUCATIONAL CENTER MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY TABLE					
Measure Element #	**Environmental Issue**	**Mitigation Measure**	**Timeframe for Implementation**	**Responsibility for Implementation**	**Responsibility for Oversight**
MM BIO-2	Nesting Bird Buffer Zones	In the event that an active nest of a protected bird species is discovered in the project area during construction, or in adjacent areas considered to have the potential to be disturbed by construction, a protective buffer zone shall be established around the nest as recommended or approved by applicable resource agencies, or as follows: a 50-foot radius protective buffer zone shall be established around nests except for raptor nests. The protective buffer zone shall be 250 feet for hawks, owls (excluding burrowing owls), herons and egrets. The ornithologist may prescribe larger buffer areas if monitoring shows that project activities continue to disrupt nesting birds. Fencing shall be installed at the boundary of each new protective buffer zone. All protective buffer zones shall be maintained, and no entrance shall be allowed into protective buffer zones, until such time as the nest becomes inactive.	Throughout all construction phases	District	District
CULTURAL RESOURCES					
BMP Cult-1	Archaeological Finds	Work in areas where archaeological artifacts are found will be restricted or stopped until proper protocols are met. Work at the location of the find will halt immediately within 30 feet of the find. A Consulting Archaeologist will visit the discovery site as soon as practicable for identification and evaluation pursuant to Section 21083.2 of the Public Resources Code and Section 15126.4 of the California Code of Regulations. If the archaeologist determines that the artifact is not significant, construction may resume. If the archaeologist determines that the artifact is significant, the archaeologist will determine if the artifact can be avoided and, if so, will detail avoidance procedures. If the artifact cannot be avoided, the archaeologist will develop within 48 hours an Action Plan which will include provisions to minimize impacts and, if required, a Data Recovery Plan for recovery of artifacts in accordance with Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines.	Throughout construction (as necessary)	Contractor	District

GOLD STREET EDUCATIONAL CENTER MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY TABLE					
Measure Element #	**Environmental Issue**	**Mitigation Measure**	**Timeframe for Implementation**	**Responsibility for Implementation**	**Responsibility for Oversight**
BMP Cult-2	Burial Finds	Work in areas where any burial site is found will be restricted or stopped until proper protocols are met. Upon discovering any burial site as evidenced by human skeletal remains, the County Coroner will be immediately notified. No further excavation or disturbance within 30 feet of the site or any nearby area reasonably suspected to overlie adjacent remains may be made except as authorized by the County Coroner, California Native American Heritage Commission, and/or the County Coordinator of Indian Affairs.	Throughout construction (as necessary)	Contractor	District
HAZARDS AND HAZARDOUS MATERIALS					
BMP HM-1	Vehicle and Equipment Cleaning	Vehicles will be washed only at the approved area in the corporation yard. No washing of vehicles will occur at job sites.	Throughout construction	Contractor	District
BMP HM-2	Vehicle and Equipment Fueling	No fueling will be done in a waterway or immediate flood plain, unless equipment stationed in these locations is not readily relocated (i.e., pumps, generators). 1. For stationary equipment that must be fueled on-site, containment will be provided in such a manner that any accidental spill of fuel will not be able to enter the water or contaminate sediments that may come in contact with water. 2. Any equipment that is readily moved out of the waterway will not be fueled in the waterway or immediate flood plain. 3. All fueling done at the job site will provide containment to the degree that any spill will be unable to enter any waterway or damage riparian vegetation.	Throughout construction	Contractor	District

GOLD STREET EDUCATIONAL CENTER MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY TABLE					
Measure Element #	**Environmental Issue**	**Mitigation Measure**	**Timeframe for Implementation**	**Responsibility for Implementation**	**Responsibility for Oversight**
BMP HM-3	Vehicle and Equipment Maintenance	No equipment servicing will be done in a stream channel or immediate flood plain, unless equipment stationed in these locations cannot be readily relocated (i.e., pumps, generators). 1. Any equipment that can be readily moved out of the channel will not be serviced in the channel or immediate flood plain. 2. All servicing of equipment done at the job site will provide containment to the degree that any spill will be unable to enter any channel or damage stream vegetation. 3. If emergency repairs are required in the field, only those repairs necessary to move equipment to a more secure location will be done in a channel or flood plain. 4. If emergency repairs are required, containment will be provided equivalent to that done for fueling or servicing.	Throughout construction	Contractor	District
BMP HM-4	Hazardous Materials Management	Measures will be implemented to ensure that hazardous materials are properly handled and the quality of water resources is protected by all reasonable means. 1. Prior to entering the work site, all field personnel will know how to respond when toxic materials are discovered. 2. The discharge of any hazardous or non-hazardous waste as defined in Division 2, Subdivision 1, Chapter 2 of the California Code of Regulations will be conducted in accordance with applicable State and federal regulations. 3. In the event of any hazardous material emergencies or spills, personnel will call the Chemical Emergencies/Spills Hotline at 1-800-510-5151.	Throughout construction	Contractor	District

GOLD STREET EDUCATIONAL CENTER MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY TABLE					
Measure Element #	**Environmental Issue**	**Mitigation Measure**	**Timeframe for Implementation**	**Responsibility for Implementation**	**Responsibility for Oversight**
BMP HM-5	Spill Prevention	Prevent the accidental release of chemicals, fuels, lubricants, and non-storm drainage water. 1. Field personnel will be appropriately trained in spill prevention, hazardous material control, and clean-up of accidental spills. 2. No fueling, repair, cleaning, maintenance, or vehicle washing will be performed in a creek channel or in areas at the top of a channel bank that may flow into a creek channel.	Throughout construction	Contractor	District
BMP HM-6	Spill Kit Location	Spill prevention kits appropriate to the hazard will always be in close proximity when using hazardous materials (e.g., crew trucks and other logical locations). 1. Prior to entering the work site, all field personnel will know the location of spill kits on crew trucks and at other locations within District facilities. 2. All field personnel will be advised of these locations and trained in their appropriate use.	Throughout construction	Contractor	District
BMP HM-7	Herbicide Use Requirements	All herbicide use will be consistent with approved product specifications. Applications will be made by, or under the direct supervision of, State Certified applicators under the direction of a licensed Pest Control Advisor.	Maintenance of site	District	District

GOLD STREET EDUCATIONAL CENTER MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY TABLE					
Measure Element #	**Environmental Issue**	**Mitigation Measure**	**Timeframe for Implementation**	**Responsibility for Implementation**	**Responsibility for Oversight**
BMP HM-8	Types of Pest Control	Pesticide products are to be used only after an assessment has been made regarding environmental, economical, and public health aspects of each of the alternatives. The following pesticides are used by the District: Herbicides could be used: • To control algae, weeds and undesirable vegetation • To minimize fire hazards • To maintain compliance with State and Federal requirements Insecticides could be used: • Only after all other methods, such as prevention or natural nontoxic control methods, have proven ineffective • Where required, the lowest toxicity will be used in accordance with the label and the details of this policy	Maintenance of site	District	District
BMP HM-9	Alternative Evaluation & Approval of Pest Control	In all cases where some form of pest control is deemed necessary, a process of evaluating pest control methods will be used to include consideration of alternatives to pesticides. This process will evaluate the proposed use based on the following: 1. Effectiveness 2. Public health aspects 3. Long and short term environmental impacts 4. Financial cost 5. Consistency with this policy 6. Consistency with the Board's policies Restrictions on herbicide and rodenticide use will be based on limitations and suggestions in District Policy Ad-8.2 Pesticide Use.	Maintenance of site	District	District

GOLD STREET EDUCATIONAL CENTER MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY TABLE					
Measure Element #	**Environmental Issue**	**Mitigation Measure**	**Timeframe for Implementation**	**Responsibility for Implementation**	**Responsibility for Oversight**
BMP HM-10	Posting & Notification for Pesticide Use	Posting of areas where pesticides are used will be performed in compliance with District Policy Ad-8.2 Pesticide Use as follows: 1. Posting will be performed in compliance with the label requirements of the product being applied. 2. In addition, posting will be provided for any products applied in areas used by the public for recreational purposes, or those areas readily accessible to the public, regardless of whether the label requires such notification. In doing this, the District ensures that exposure risk is minimized further by adopting practices that go beyond the product label requirements. 3. These postings will notify staff and the general public of the date and time of application, the product's active ingredients, and common name, and the time of allowable re-entry into the treated area. 4. Signs will not be removed until after the end of the specified re-entry interval. 5. Right-to-know literature on the product will be made available to anyone in the area during the re-entry period. 6. A District staff contact phone number will be posted on the sign, including a pager number. 7. Notification of pesticide activities will be made as required by law. In addition, the District will maintain records of neighbors with specific needs relative to notification prior to treatment of an adjacent area to ensure such needs are met.	Maintenance of site	District	District

GOLD STREET EDUCATIONAL CENTER MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY TABLE					
Measure Element #	**Environmental Issue**	**Mitigation Measure**	**Timeframe for Implementation**	**Responsibility for Implementation**	**Responsibility for Oversight**
BMP HM-11	Pesticide Usage Requirements	All projects that propose ongoing use of pesticides will be subject to the following: 1. All pest control methods will be performed only after a written Pest Control Recommendation for use has been prepared by a licensed Pest Control Advisor in accordance with requirements of the California Food and Agricultural Code. 2. A Daily Pesticide Use Report will be completed for each pesticide application. 3. This report will be submitted with each daily work order and include: a. Pesticide common name and active ingredient b. Method of application c. Dilution rate, if applicable d. Total amount of product applied, plus the total amount of diluted material e. For outdoor applications, weather conditions, including temperature and wind speed f. Specific pests controlled with each application	Maintenance of site	District	District

GOLD STREET EDUCATIONAL CENTER MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY TABLE					
Measure Element #	**Environmental Issue**	**Mitigation Measure**	**Timeframe for Implementation**	**Responsibility for Implementation**	**Responsibility for Oversight**
BMP HM-12	Pesticide Use Reporting	1. A Monthly Pesticide Use Report will be submitted by each Unit Manager who oversees pesticide use to the Reduced Risk Pest Management (RRPM) coordinators no later than the 7th of the month following the use. This use report will contain the total amounts of products used for pest control including common name and active ingredient. 2. A Monthly Summary of Pesticide Use Report (State of California form PR-ENF-060) will be submitted by the 10th of each month to the Santa Clara County Agricultural Commissioner by the Vegetation Management Unit Manager. 3. A Quarterly Pesticide Use Report summarizing the District's pest control efforts will be prepared by the RRPM coordinators and submitted to the CEO, the Countywide Watershed Programs Unit, and the Public Information Office. This report will include, but not be limited to, a description and cost summary of each alternative used, reports of non-compliance with regulatory requirements or this policy, and a total cost of the pest control program to date.	Maintenance of site	District	District
BMP HM-13	Herbicide Use in Upland Areas	Application of pre emergence (residual) herbicides to upland areas will not be made within 72 hours of predicted significant rainfall. Predicted significant rainfall for the purposes of this BMP will be described as local rainfall greater than 0.5 inch in a 24-hour period with greater than a 50% probability of precipitation.	Maintenance of site	District	District

GOLD STREET EDUCATIONAL CENTER MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY TABLE					
Measure Element #	**Environmental Issue**	**Mitigation Measure**	**Timeframe for Implementation**	**Responsibility for Implementation**	**Responsibility for Oversight**
MM HM-1	Soil Management Plan / Health and Safety Plan	A certified industrial hygienist shall prepare a Soil Management Plan and Health and Safety Plan prior to any field boring explorations, grading operations and other land excavation. The plans shall include protocols for collecting soil and ground water samples from borings for hazardous material testing; protocols for chemical analysis of collected samples; appropriate recommendations for remediation of any contaminated soils encountered during soil sample collection and construction; standards for site maintenance, dust control and erosion control; and standards for safety and training for workers involved with borings and excavation. The District shall ensure that the Soil Management Plan and Health and Safety Plan are implemented throughout the project. A Soil Management Plan would also be required for any future excavation on the site associated with the operation of the education center.	Developed prior to construction. Implemented throughout any ground disturbing activities.	District is responsible for developing plan prior to geotechnical investigations and implementing during investigation. Contractor responsible for implementing plan during construction.	District
WATER QUALITY					
BMP WQ-1	Groundwater Management	If high levels of groundwater in a work area is encountered, the water will be pumped out of the work site. If necessary to protect water quality, the water will be directed into specifically constructed infiltration basins, holding ponds, or areas with vegetation to remove sediment prior to the water re-entering a receiving water body. Water pumped into vegetated areas will be pumped in a manner that will not create erosion.	Throughout construction	Contractor	District
BMP WQ-2	Site Maintenance and Cleanup	The work site, areas adjacent to the work site, and access roads will be maintained in an orderly condition, free and clear from debris and discarded materials. Personnel will not sweep, grade, or flush surplus materials, rubbish, debris, or dust into storm drains or waterways. Upon completion of work, all building materials, debris, unused materials, concrete forms, and other construction-related materials will be removed from the work site.	Throughout construction	Contractor	District

GOLD STREET EDUCATIONAL CENTER MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY TABLE					
Measure Element #	**Environmental Issue**	**Mitigation Measure**	**Timeframe for Implementation**	**Responsibility for Implementation**	**Responsibility for Oversight**
BMP WQ-3	Water Pollution Control	Oily, greasy, or sediment laden substances or other material that originate from the project operations and may degrade the quality of surface water or adversely affect aquatic life, fish, or wildlife will not be allowed to enter, or be placed where they may later enter, any waterway. The project will not increase the turbidity of any watercourse flowing past the construction site by taking all necessary precautions to limit the increase in turbidity as follows: 1. where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases will not exceed 5 percent; 2. where natural turbidity is greater than 50 NTU, increases will not exceed 10 percent;	Throughout construction	Contractor	District
BMP WQ-4	Stormwater Pollution Prevention	Suitable erosion control, sediment control, source control, treatment control, material management, and non-stormwater management BMPs will be implemented consistent with the latest edition of the California Stormwater Quality Association "Stormwater Best Management Practices Handbook," which is available at www.cabmphandbooks.com.	Throughout construction	Contractor	District
BMP WQ-5	Sanitary/Septic Waste Management	Temporary sanitary facilities will be located on jobs that last multiple days in compliance with California Division of Occupational Safety and Health (Cal/OSHA) regulation 8 CCR 1526. All temporary sanitary facilities will be placed outside of the creek channel and flood plain and removed when no longer necessary.	Throughout construction	Contractor	District
BMP WQ-6	Well or Exploratory Boring Materials Management	All materials or waters generated during exploratory boring construction, or other activities associated with exploratory borings, will be safely handled, properly managed, and disposed of according to all applicable federal, state, and local statutes. In no case will these materials and/or waters be allowed to enter, or potentially enter, on- or off-site storm sewers, dry wells, or waterways. Such materials/waters must not be allowed to move off the site.	During geotechnical investigations	Contractor	District

GOLD STREET EDUCATIONAL CENTER MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY TABLE					
Measure Element #	**Environmental Issue**	**Mitigation Measure**	**Timeframe for Implementation**	**Responsibility for Implementation**	**Responsibility for Oversight**
BMP WQ-7	Well or Exploratory Boring Contaminant Protection	Any substances or materials that may degrade groundwater quality will not be allowed to enter any well or boring. Lubricants used on drill bits, drill pipe, or tremie pipe will not be comprised of oily or greasy substances or other materials that may degrade groundwater quality. Well openings or entrances will be sealed or secured in such a way as to prevent the introduction of contaminants.	During geotechnical investigations	Contractor	District
BMP WQ-8	Exploratory Boring Destruction	All borings should be backfilled within 24 hours of termination of testing. Borings will not be left in such a condition as to allow for the introduction of surface waters or foreign materials into them. Borings will be secured such that they do not endanger public health. All borings must be properly destroyed by backfilling with acceptable sealing materials. Acceptable sealing materials are: 1. 27 sack neat cement (four 94-pound bags/55-gallon drum), 2. 10 sack cement sand grout, or 3. hydrated high solids 20 percent bentonite slurry. No soil cuttings may be used for backfilling boreholes. No bentonite chips or pellets may be used to backfill borings. Free fall of sealing material will not be allowed if greater than 30 feet or if more than 3 feet of standing water exists in borehole. A tremie pipe must be used to place the cement sealing material if exploratory boring is over 30 feet deep or if more than 3 feet of standing water exists in borehole. Exploratory borings located in Geologic Setting Zone 4 (bedrock) may be backfilled with borehole cuttings from total depth of the boring up to a depth of 50 feet from the surface grade. The top 50 feet of the borehole must be backfilled with above described sealing materials.	During geotechnical investigations	Contractor	District

GOLD STREET EDUCATIONAL CENTER MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY TABLE					
Measure Element #	**Environmental Issue**	**Mitigation Measure**	**Timeframe for Implementation**	**Responsibility for Implementation**	**Responsibility for Oversight**
NOISE					
BMP NO-1	Residential Noise Management	The District will implement practices that minimize disturbances to residential neighborhoods surrounding work sites. 1. In general, work will be conducted during normal working hours. Extending weekday hours and working weekends may be necessary to complete the projects. 2. Internal combustion engines will be equipped with adequate mufflers. 3. Excessive idling of vehicles will be prohibited. 4. All construction equipment will be equipped with manufacture's standard noise control devices. 5. The arrival and departure of trucks hauling material will be limited to the hours of construction.	Throughout construction	Contractor	District
TRANSPORTATION / TRAFFIC					
BMP TR-1	Public Safety Measures	Fences, barriers, lights, flagging, guards, and signs will be installed as determined appropriate by the public agency having jurisdiction, to give adequate warning to the public of the construction and of any dangerous condition to be encountered as a result thereof.	Throughout construction	Contractor	District

APPENDIX B - Response to Public Comments

The draft IS/MND was sent to the State Clearinghouse and available for public review from March 18, 2009 to April 20, 2009. A confirmation was received from the State Clearinghouse stating that the project has complied with the State Clearinghouse review requirements for draft environmental documents under CEQA.

The District received comments from the California Department of Transportation, California Department of Fish and Game, the City of San Jose, and the County of Santa Clara Parks and Recreation Department. The City of San Jose submitted comments directly on a copy of the draft Mitigated Negative Declaration, the District has attempted to respond to each of these comments; however for comments that were more editorial in nature changes were made in the document, but are not discussed below, and certain recurring comments were grouped into a single response.

This Appendix presents responses to all of the comments received on the draft IS/MND during the review period. Each comment letter has been assigned a designation "A" through "D." Each comment has been assigned a number (i.e., A-1). Responses are provided to each comment. The confirmation from the State Clearinghouse is included with the letters received, but is not assigned a letter for response. The Santa Clara Valley Water District Board of Directors will consider the information contained in the final document, with comments and responses on the draft document.

All changes to the draft IS/MND are described in the response and referenced by the page number in which the revised text appears in the Final IS/MND.

Comment	Response	Text Change
A. California Department of Transportation		
A1. Project work that requires movement of oversized or excessive load vehicles on State roadways, such as State Toute 237, US 101, or Interstates 280 and 680 requires a transportation permit that is issued by the Department.	The District will require in construction specifications that the contractor obtain a transportation permit for oversized or excessive loads on State roadways.	None

Comment	Response	Text Change
B. California Department of Fish and Game		
B1. Grading and Filling: the MND indicates that the project site would need to be graded to develop the proposed educational center. Please specify the total area and volume of grading required to complete the project. The document also indicates that clean fill may need to be imported to help level out the site. Please specify the total area and volume of imported fill anticipated to complete the project.	The project will require approximately 100 cubic yards of cut, 350 cubic yards or fill for a net 250 cubic yards of imported material.	Page 7
B2. Staging and parking: the MND indicates that staging of construction equipment and working parking would occur on-site. Please provide more information detailing specifically where staging and parking are anticipated to occur. Please specify whether staging and parking would be contained within the project area outlined by a yellow box as shown in the aerial view of Figure 2, within the parcel outlined by an orange box as shown in the aerial view of Figure 2, within existing roadway and trails, or some other location(s).	Staging would occur within what is shown in the parcel surrounded by an orange box, which the property that would be developed into the educational center. Adjacent levees and road would not be used for staging or parking.	None
B3. Definition of "take": the MND defines "take" as "to harass, harm, pursue, hunt, shoot, would, kill, trap, capture, or collect, or attempt to engage in any such conduct." Please note that this is the Federal definition of "take". "Take" is defined by the state as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill".	The definition has been expanded in the document	Page 14

Comment	Response	Text Change
B4. Burrowing owl pre-construction surveys: The MND indicates that pre-construction surveys for burrowing owls would occur no more than 30 days prior to the start of soil moving activities, regardless of the time of year. While DFG understands that this 30-day period was derived from DFG's Burrowing Owl Survey Protocol and Mitigation Guidelines, these guidelines are in the process of being revised. Because it is possible that a pair of burrowing owls could set up a nest in an existing burrow within that 30-day period, DFG recommends that pre-construction surveys for this species be conducted no more than 14 days prior to the start of activities and rechecking any burrows at the site on the same day, but just prior to the commencement of project activities.	Changes have been made to the mitigation measure as suggested.	Page 15, MMRP
B5. Burrowing owl buffer zone: The MND indicates that if breeding burrowing owls are located on or adjacent to the site, a construction-free buffer zone around the active burrow will be established as determined by an ornithologist. Please provide more detailed information of how an appropriate buffer zone width may be determined. DFG recommends a minimum buffer zone width of at least 250 feet from the active burrow, and enlarging the zone accordingly if deemed appropriate by an ornithologist. A buffer zone width of 250 feet may be reduced only after coordination with DFG and requires a full-time monitor to be on-site.	Mitigation Measure BIO-1 has been revised to provide for a 250 foot buffer, or larger if deemed necessary by an ornithologist.	Page 15, MMRP
B6. Moving burrowing owls: The MND indicates that if burrowing owls are resident during the non-breeding season, a qualified ornithologist, in accordance with accepted biological protocol, will move the owls in consultation with DFG. DFG allows the relocation of burrowing owls only under very limited circumstances and only after a scientific study has been completed. DFG strongly recommends that District coordinate closely with DFG to develop alternative methods of avoiding impacts to resident burrowing owls as a result of the project.	The District does not believe the project would disturb burrowing owls as there are no burrows currently present on-site. Should burrows be established and burrowing owls take up residence during the non-breeding season where the project cannot avoid disturbing the owls, the District would work closely with DFG to find methods to avoid impacts, which may include relocation.	Page 16, MMRP

Comment	Response	Text Change
B7. Migratory bird pre-construction surveys: The MND references BMP BIO-1 which indicates that migratory bird surveys will be performed prior to any project-related activity that could pose the potential to affect migratory birds. However, there is no information describing when these surveys would occur. DFG recommends conducting these surveys no more than 14 days prior to the start of any project activities. If construction does not start within that 14-day period , then the surveys should be repeated on a 14-day cycle until constriction begins.	BMP BIO-1 has been revised as suggested.	MMRP
B8. Buffers nesting migratory birds: The MND indicates that a 20-foot buffer zone be established around the nest of non-raptor, ground-nesting birds. DFG recommends increasing this buffer to 50-foot to adequately protect ground-nesting birds from disturbance. In addition, buffers for all migratory bird species should be initially monitored to determine if they are adequate to prevent disturbance to nesting bird species. If monitoring shows that project activities are causing a disturbance (bird displaying agitated behavior, flushing, diving at workers), then the buffer width should be increased such that disturbance-related behaviors cease.	Mitigation Measure BIO-2 has been revised as suggested.	Page 16, MMRP
C. City of San Jose		
C1. Where is a biotics report?	The project site is vacant and is covered by weedy vegetation. Given the status of the site and the District's existing knowledge of sensitive species and habitats in the area it was determined that a separate biological study of the site would not advance an understanding of potential impacts of the project.	None
C2. LEA and CIWMB approvals are also required under California Code of Regulations Title 27.	The City of San Jose review as the Local Enforcement Agency has been included in table 1 as has the review by the California Integrated Waste Management Board. A discussion of the required review by the LEA and CIWMB has been included under the discussion of "Hazardous Waste Sites."	Pages 3, 9, 21

Comment	Response	Text Change
C3. The geotechnical investigation should be part of this Initial Study.	The District usually conducts geotechnical investigations as part of the planning phase, and the results are incorporated into the CEQA document. The investigations are a "project" as defined by CEQA, and the District usually finds this type of work categorically exempt from further CEQA review as a Class 6 exemption (information collection). However, CEQA prohibits the use of exemptions for projects located on listed hazardous waste sites. As noted in the footnote on page 11, since the geotechnical investigation must be analyzed in a CEQA document, and to avoid piecemealing the project into multiple documents, the potential impacts of the geotechnical investigation are included in this Mitigated Negative Declaration. The results of the investigation will be incorporated into the final design of the educational center. The City of San Jose will be provided a copy of the results as part of the building permit submittal.	None
C4. Why is the parking lot proposed in the Gold Street right-of-way?	The project site is approximately ½ acre in size. A preliminary design without using the Gold Street right-of-way showed that the parking lot would take up about 40 percent of the site. To maximize its use as an educational center, the District proposed to locate the parking lot in the Gold Street right-of-way. There are no current plans to expand Gold Street or the adjacent bridge. However, the District recognizes that the City of San Jose may utilize the right-of-way in the future, in which case the District would need to re-locate the parking lot on-site.	None

Comment	Response	Text Change
C5. Guideline 1C of the Riparian Corridor Policy specifies that parking lots should be separated a minimum of 100 feet from the edge of the riparian corridor (or top of bank whichever is greater). The parking lot does not appear to be set back 100 feet. The document should discuss consistency with the City's Riparian Corridor Policy and General Plan policies.	The site is adjacent to the Guadalupe River, but is located outside of the riparian corridor. There is no riparian vegetation outside of the channel in this section of the Guadalupe River, so the top of the flood wall would be considered the edge of the riparian corridor under the Riparian Corridor Policy. The site currently drains away from the river, and this would not be altered by the project. The proposal is for a passive recreation facility, which is a compatible use adjacent to the riparian corridor. The gazebo and restroom are located outside of a 100-foot riparian buffer recommended in the Riparian Corridor Policy. A small portion of the parking lot extends into the 100-foot buffer; the setback on the south property line and infrastructure along Gold Street make adjusting the parking lot further to the south infeasible. Although a small piece of the parking lot is in the buffer area, the project still meets the intent of the Riparian Corridor Policy: the project does not change the amount, timing or quality of storm run-off by complying with provisions of the Santa Clara Valley Urban Runoff Pollution Prevention Program; the project will replace the existing weedy rudereal vegetation on-site with native and drought tolerant vegetation consistent with the Riparian Corridor Study and Alviso Master Plan which will improve the quality of habitat on the site; and the parking lot is immediately adjacent to Gold Street which already disturbs the buffer area. If one space was eliminated from the parking lot, the project could conform to the 100-foot buffer, but may not provide enough spaces to comply with off-street parking regulations. The project would be consistent with General Plan policies to protect riparian corridors by minimizing impacts to the Guadalupe River and by replacing the existing weedy vegetation with natives consistent with the plant list in the Riparian Corridor Policy and Alviso Master Plan.	Pages 16-17

Comment	Response	Text Change
C6. The Riparian Corridor Policy discourages lighting along waterways.	Consistent with the Riparian Corridor Policy and the City's Outdoor Lighting Policy, lighting will be limited to bollards in the parking lot necessary for public safety, with the light pointed downward such that the lights will not disturb the riparian corridor or buffer area outside of the parking lot.	Pages 7, 11
C7. Site plan is hard to read.	A clearer version of the site plan has been included showing the location of lighting and drainage from the parking lot to the proposed swale.	Page 6
C8. The site plan does not appear to drain the parking lot to the swale, they drain the Gold Street.	The site plan showed existing drainage. The parking lot will be graded to drain to the vegetated swale along the southern property boundary as shown in the revised site plan.	Page 6
C9. What are the dimensions of the swale?	The swale will be designed to comply with the requirements of the Santa Clara Valley Urban Runoff Pollution Prevention Program which include quantitative measures for sizing a vegetative swale. It is likely to be four to six feet in width.	Page 7
C10. The site is adjacent to "Trails and Pathway Corridor" as shown in the San Jose 2020 General Plan "Scenic Routes and Trails Diagram" (pages 268-273).	Language has been added recognizing the Trails and Pathway Corridor designation. The District still believes the project does not adversely impact the aesthetics of the areas, and may be considered a beneficial impact.	Page 11
C11. The document needs to discuss BMPs, it is not enough to just list them in the MMRP.	The District's use of BMPs is discussed on page 11 of the document; they are standard practices that the District incorporates into all projects. The impact that the BMP addresses is discussed in each of the resource categories of the Initial Study, and the complete text of each BMP is included in the MMRP. The Distinct believes that document adequately describes each BMP and how it serves to minimize impacts.	None

Comment	Response	Text Change
C12. Checklist question 7b – "Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous material into the environment" is potentially significant unless mitigation incorporated.	As noted in the Hazards and Hazardous Materials section the Phase I and Phase II Environmental Site Assessments concluded that the concentrations of potential pollutants are not expected to adversely affect the public or the environment and that asbestos concentrations are below thresholds for naturally occurring asbestos in four or seven soil samples an absent from the other three. This information was included under questions 7d, and is now repeated in question 7b for clarity.	Page 21
C13. Please review our San Jose 2020 General Plan, Goals and Policies, Noise on Pages 132-135 and address noise impacts using our General Plan Noise Policies.	The document concludes that the operations of the project will not generate a significant or regular increase in noise levels. Some construction noise will be generated. The only General Plan policy relating to construction related impacts is Noise Policy 9: "Construction operations should use available noise suppression devices and techniques." This policy will be implemented by the District with the inclusion of BMP NO-1: "The District will implement practices that minimize disturbances to residential neighborhoods surrounding work sites. 1. In general, work will be conducted during normal working hours. Extending weekday hours and working weekends may be necessary to complete the projects. 2. Internal combustion engines will be equipped with adequate mufflers. 3. Excessive idling of vehicles will be prohibited. 4. All construction equipment will be equipped with manufacture's standard noise control devices. The arrival and departure of trucks hauling material will be limited to the hours of construction."	Pages 26-27

Comment	Response	Text Change
C14. What would the construction noise level be at the adjacent residential uses? What is the impact? Describe construction noise mitigation.	The document states that construction noise is in the range of 75 to 80 dBA at a distance of 100 feet. This would be about the impact to the adjacent residential use during construction. Since the impact is temporary it is considered less than significant and no mitigation is necessary, although the District will incorporate BMP NO-1 to further minimize construction noise impacts.	None
C15. Based on San Jose Ordinance for sites within a half mile of the SBWR pipeline, the educational center should be plumbed to use recycled water indoors and out.	The building and landscaped will be plumbed for recycled water. This will be shown in building and design submittals.	None
D. County of Santa Clara Parks and Recreation Department		
D1. The MND should include a discussion related to the Santa Clara County Countywide Trails Master Plan Update and how the proposed project is consistent with the Plan.	The project is consistent with the Santa Clara County Countywide Trails Master Plan Update by providing additional staging area for the Juan Bautista de Anza National Historic Trail, San Francisco Bay Trail and Guadalupe Trail.	Page 25
D2. The comment under Recreation (a) is “No Impact.” We suggest that it be noted *Less Than Significant Impact* rather than *No Impact*. The written description should state that the project would anticipate an increased number of visitors to the area and that the new trailhead would provide a connection to existing trails which will increase public use on the existing trails.	The finding has been changed to *Less Than Significant* and the text changed to reflect the connections to trails on the north side of the Guadalupe River.	Page 28
D3. The MND should also describe the following countywide trail routes, which offer opportunities for non-motorized transportation connections from the project site to the surrounding neighborhoods, parks, trails and open areas: Juan Bautista de Anza National Historic Trail, San Francisco Bay Trail, Guadalupe Sub-Regional Trail. The MND should also describe the nearby Alviso Marina County Park, which is located approximately a half a mile north of the project site and provides the public with additional destination point for recreational opportunities.	The text has been changed to reflect the connections to the listed trails and the Alviso Marina County Park on the north side of the Guadalupe River.	Page 28

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

April 21, 2009

Michael Martin
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118

Subject: Gold Street Educational Center
SCH#: 2009032058

Dear Michael Martin:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on April 20, 2009, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2009032058
Project Title Gold Street Educational Center
Lead Agency Santa Clara Valley Water District

Type MND Mitigated Negative Declaration

Description The Gold Street Educational Center would include a 10-12 stall parking, decomposed granite trails, interpretive signage, a gazebo, a restroom, rope fencing, and landscaping with a mixture of native shrubs and trees. The educational center would provide a link to adjacent recreation trails, and an opportunity to educate the public about the history of Alviso in association with the Guadalupe River.

Lead Agency Contact

Name Michael Martin
Agency Santa Clara Valley Water District
Phone (408) 265-2600 **Fax**
email
Address 5750 Almaden Expressway
City San Jose **State** CA **Zip** 95118

Project Location

County Santa Clara
City San Jose
Region
Lat / Long 37° 25' 33" N / 121° 58' 42" W
Cross Streets Gold Street & Sun Rise Drive
Parcel No. 015-34-019
Township **Range** **Section** **Base**

Proximity to:

Highways 237
Airports San Jose Mineta
Railways SPRR
Waterways Guadalupe Rivers, Alviso Slough
Schools George Mayne ES
Land Use Vacant
Z: Mobilehome Residential
GP: Public Park, Open Space

Project Issues Air Quality; Biological Resources; Toxic/Hazardous

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Reviewing Agencies Resources Agency; Department of Fish and Game, Region 3; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Regional Water Quality Control Board, Region 2; Department of Toxic Substances Control; Native American Heritage Commission; State Lands Commission

---

Date Received 03/18/2009 **Start of Review** 03/18/2009 **End of Review** 04/20/2009

Note: Blanks in data fields result from insufficient information provided by lead agency.

DEPARTMENT OF TRANSPORTATION
111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 622-5491
FAX (510) 286-5559
TTY 711

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SCL-237-R5.83
SCL237182
SCH2009032058

Mr. Michael Martin
Santa Clara Valley Water District
5750 Almaden Expressway
San José, CA 95118

Dear Mr. Martin:

Gold Street Educational Center - Mitigated Negative Declaration (MND)

Thank you for including the California Department of Transportation (Department) in the environmental review process for the proposed project. We have reviewed the MND for the construction of the proposed Gold Street Educational Center and have the following comments to offer.

A1

Transportation Permit
Project work that requires movement of oversized or excessive load vehicles on State roadways, such as State Route (SR) 237, US 101, Interstate (I) 280, or I 680 requires a transportation permit that is issued by the Department. To apply, a completed transportation permit application with the determined specific route(s) for the shipper to follow from origin to destination must be submitted to the address below.

Office of Transportation Permits, California DOT Headquarters
P.O. Box 942874
Sacramento, CA 94274-0001

See the following website link for more information: http://www.dot.ca.gov/hq/traffops/permits/.

Should you require further information or have any questions regarding this letter, please call José L. Olveda of my staff at (510) 286-5535.

Sincerely,

Lisa Carboni

for LISA CARBONI
District Branch Chief
Local Development – Intergovernmental Review

c. Scott Morgan (State Clearinghouse

California Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Bay Delta Region
Post Office Box 47
Yountville, California 94599
(707) 944-5500
http://www.dfg.ca.gov

ARNOLD SCHWARZENEGGER, Governor
DONALD KOCH, Director

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Water District

April 9, 2009

Mr. Michael Martin
Environmental Planner
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118

Dear Mr. Martin:

Subject: Gold Street Educational Center, SCH #2009032058, City of San Jose, Santa Clara County

The Department of Fish and Game (DFG) has reviewed the documents provided for the subject project, and we have the following comments.

B1 **Page 11 - Grading and filling:** The document indicates that the project site would need to be graded to develop the proposed educational center. Please specify the total area and volume of grading required to complete the project. The document also indicates that clean fill may need to be imported to help level out the site. Please specify the total area and volume of imported fill anticipated to complete the project.

B2 **Page 11 - Staging and parking:** The document indicates that staging of construction equipment and worker parking would occur on-site. Please provide more information detailing specifically where staging and parking are anticipated to occur. Please specify whether staging and parking would be contained within the project area outlined by a yellow box as shown in the aerial view of Figure 2, within the parcel outlined by an orange box as shown in the aerial view of Figure 2, within existing roadways and trails, or some other location(s).

B3 **Page 18 – Definition of "take":** The document defines "take" as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct." Please note that this is the Federal definition of "take." "Take" is defined by the state as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

B4 **Page 19 – Burrowing owl pre-construction surveys:** The document indicates that pre-construction surveys for burrowing owls (*Athene cunicularia*) would occur no more than 30 days prior to the start of soil moving activities, regardless of the time of year in which grading occurs. While DFG understands that this 30-day period was derived from DFG's Burrowing Owl Survey Protocol and Mitigation Guidelines (1993), these guidelines are in the process of being revised. Because it is possible that a pair of burrowing owls could set up a nest in an existing burrow within that 30-day period, DFG recommends that pre-construction surveys for this species be conducted no more than 14 days prior to the start of any soil moving or staging activities. In addition, DFG recommends rechecking any burrows at the site on the same day, but just prior to the commencement of project activities.

B5 **Page 19 – Burrowing owl buffer zone:** The document indicates that if breeding burrowing owls are located on or immediately adjacent to the site, a construction-free buffer zone around the active burrow will be established as determined by an ornithologist. Please provide more detailed information of how an appropriate buffer zone width may be determined. DFG recommends a minimum buffer zone width of at least 250 feet from the active burrow, and enlarging that buffer zone accordingly if deemed appropriate by an ornithologist. A buffer zone width of 250 feet may be reduced only after coordination with DFG and typically requires a full-time monitor to be on-site.

B6 **Page 19 – Moving burrowing owls:** The document indicates that if burrowing owls are resident during the non-breeding season, a qualified ornithologist, in accordance with accepted biological protocol, will move the burrowing owls in consultation with DFG. DFG allows the relocation of burrowing owls only under very limited circumstances and only after a scientific study has been completed. DFG strongly recommends that the Santa Clara Valley Water District (District) coordinate closely with DFG to develop alternative methods of avoiding impacts to resident burrowing owls as a result of this project.

B7 **Page 20 – Migratory bird pre-construction surveys:** The document references BMP BIO-1 (Migratory Bird Survey), found on page A-1, which indicates that migratory bird surveys will be performed prior to any project-related activity that could pose the potential to affect migratory birds. However, there is no information describing when these pre-construction surveys would occur. DFG recommends conducting these surveys no more than 14 days prior to the start of any project activities. If construction does not start within that 14-day period, then the surveys should be repeated on a 14-day cycle until construction begins.

B8 **Page 20 – Buffers nesting migratory birds:** The document indicates that a 20-foot protective buffer zone be established around the nest of any non-raptor, ground-nesting bird. DFG recommends increasing this buffer to a 50-foot buffer to adequately protect ground-nesting birds from disturbance. In addition, buffers for all migratory bird species should be initially monitored to determine if they are adequate to prevent disturbance to nesting bird species. If monitoring shows that project activities are causing a disturbance (e.g., bird displaying agitated behavior, flushing, diving at workers), then the buffer width should be increased such that disturbance-related behaviors cease.

DFG appreciates the opportunity to comment on the District's Mitigated Negative Declaration for the Gold Street Educational Center. Questions regarding this letter and further coordination on this project should be directed to Ms. Tami Schane, Environmental Scientist, at (415) 831-4640; or Mr. Greg Martinelli, Water Conservation Supervisor, at (707) 944-5570.

Sincerely,

For

Charles Armor
Regional Manager
Bay Delta Region

cc: State Clearinghouse

CITY OF
SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Planning, Building and Code Enforcement
JOSEPH HORWEDEL, DIRECTOR

April 15, 2009

Michael Martin
Santa Clara Valley Water District
5750 Almanden Expressway
San Jose CA 95118

SUBJECT: DRAFT INITIAL STUDY FOR GOLD STREET EDUCATIONAL CENTER (OA09-006)

Dear Mr. Martin:

The City of San Jose appreciates the opportunity to review and provide comments on the Draft Initial Study prepared by the Santa Clara Valley Water District for the proposed Gold Street Educational Center to be located at the southeast corner of Gold Street and the Guadalupe River in the Alviso area of San Jose (APN 015-34-019).

In order to expedite the review process, I have attached the City's comments on the Draft Initial Study where the comments have been written directly into the margins of the Draft Initial Study document. I have also attached additional information that you will need to complete your CEQA analysis.

Please let me know if you have any questions on the comments or if I can be of any assistance. Thank you again for the opportunity to review and provide comments on the Draft Initial Study for the Gold Street project. Please provide me with a revised document when it is available for review as well as the technical reports (Phase I & II and Biotics). You may send the document directly to my attention. If you have questions, please contact me at (408) 535-7815 or by email at Janis.moore@sanjoseca.gov.

Sincerely,

Janis Moore
Planner II

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Santa Clara Valley
Water District

Attachments

OA09-006 Draft IS Gold St Ed Ctr Pjct Ltr.doc/JAM

OA 09-006

Gold Street Educational Center

Initial Study and Mitigated Negative Declaration

Project Number 30154028

March 2009

Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, California 95118-3614

City of San Jose Comments

Prepared by

Michael Martin
Environmental Planner

Under the direction of

Debra Caldon
Environmental Planning Unit Manager

District Board of Directors

Rosemary C. Kamei	District 1	Patrick Kwok	District 5
Joe Judge	District 2	Tony Estremera	At Large
Richard P. Santos	District 3	Sig Sanchez, Chair	At Large
Larry Wilson	District 4		

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Santa Clara Valley Water District

Tables

Table 1 Summary of Regulatory Agency Approvals

Figures

Figure 1 Project Vicinity Map
Figure 2 Aerial Views of Project Site
Figure 3 Coyote Outdoor Classroom Gazebo
Figure 4 Site Plan
Figure 5 Project Site from Gold Street

Appendices

Appendix A Mitigation Monitoring and Reporting Program Summary Table

— Where are Phase I + II Soils analyses ?

C1 Where is Biotics report ?

?

Jose and California Department of Toxic Substance Control would be considered responsible agencies.

In addition, because the project occurs in the South Bay Asbestos Superfund Site administered by the United States Environmental Protection Agency there are federal requirements that will have to be met.

This MND is intended to assist federal, state and local agencies carry out their responsibilities for permit review or approval authority over various aspect of the project. The Gold Street Educational Center would likely require project-specific permitting as summarized in Table 1 below.

Table 1 Summary of Agency Approvals

Agency	Permit/Review Required
City of San Jose	Site Development Permit Review of Soil Management Plan Encroachment to Gold Street right-of-way Building Permit Grading Permit
California State Lands Commission	Land owner – approve lease for property
California Department of Toxic Substance Control	Review of Soil Management Plan
United States Environmental Protection Agency	Review of Soil Management Plan

C2

also need to get LEA/CIWMB's approval (see attachment)

CCR Title 27

Figure 2. Aerial Views of Project site

Project Scope of Work

The Gold Street Educational Center would include: a 10-12 stall parking area, decomposed granite trails, interpretive signage, a gazebo, a restroom, rope fencing, and landscaping with a mixture of native shrubs and trees. The educational center would provide a link to adjacent recreation trails, and an opportunity to educate the public about the history of Alviso in association with the Guadalupe River, and the District's mission of water supply, water conservation, flood protection, and watershed stewardship. Prior to a final design, the District would conduct a geotechnical investigation of the underlying soils and negotiate a lease with the State Lands Commission to develop the property.

The restroom would be an approximately 225 square foot split face block building with separate rooms for men and women. The restroom structure would also include a storage room for supplies and any other storage necessary for the site.

The gazebo would be an open steel structure, approximate 35 feet in diameter, similar to a gazebo at the Coyote Outdoor Classroom (Figure 3).

The parking lot is proposed in the right-of-way of Gold Street. The City of San Jose would need to vacate that portion of the right-of-way or approve an easement to State Lands Commission (which owns the property proposed for the educational center).

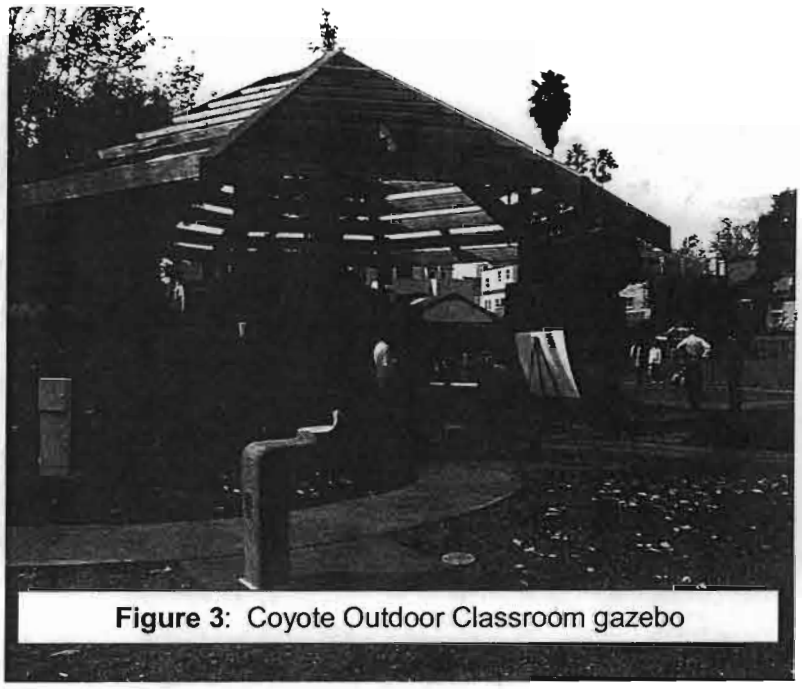


Figure 3: Coyote Outdoor Classroom gazebo

C5

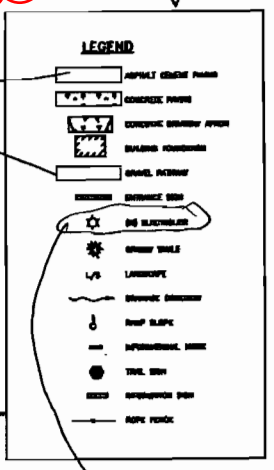
Guideline 1C of Riparian Corridor Policy specifies that parking lots should be separated a minimum of 100 feet from edge of riparian corridor (or top of bank whichever greater). The parking lot does not appear to be set back 100 ft.

Figure 4: SITE PLAN

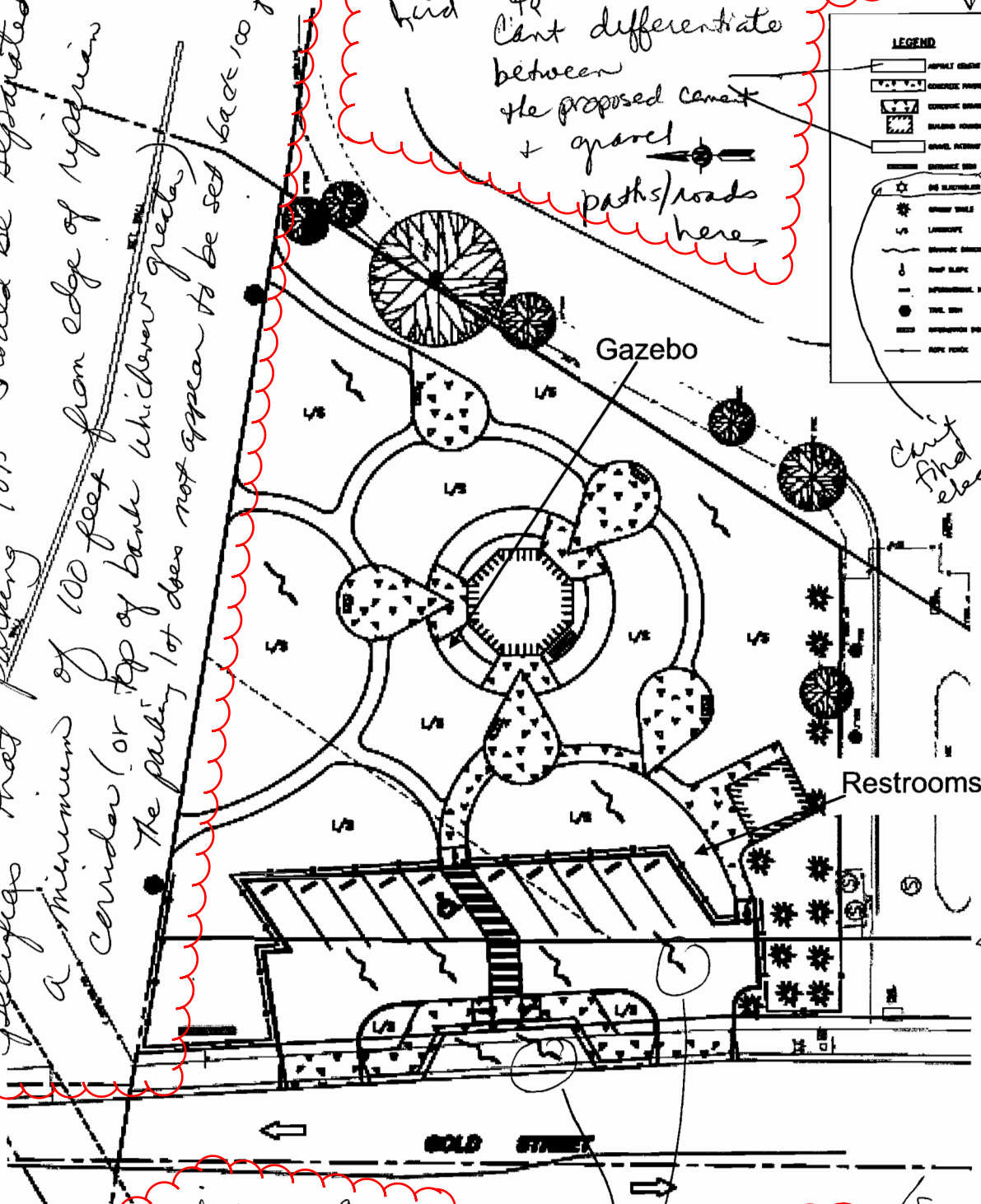
C7

Site Plan is fuzzy & of poor quality — very hard to read. Can't differentiate between the proposed cement & gravel paths/roads here

Legend too small to read



Can't find electrolier



C6

Riparian Corridor Policy also discourages lighting along waterways (read Rip. Cor. Pol.)

C8

These do NOT appear to drain to the swale — they drain to Gold St.

Is this future ROW line?

C9

What are the dimensions of the swale?

A vegetated swale would be constructed near the parking lot to filter and detain storm water on-site prior to release to the storm water system. The swale would be designed to limit the quantity and timing of storm runoff from the site to existing levels. The parking lot would include lighting to illuminate it at night. — Will this be consistent w/ S.J. Riparian Corridor Policy?

C6

In 2004 staff initiated negotiations with the State Lands Commission to acquire the Gold Street parcel for an educational center. The Commission advised that the Gold Street parcel is a "sovereign tide and submerged land" and that sale or transfer of such lands is severely limited under Article 10 of the State Lands Commission. However, the Commission indicated that leasing the property may be a possibility. Upon completion of the CEQA analysis and documentation process for the project, the District proposes to negotiate a long-term lease agreement for the Gold Street parcel with the State Lands Commission.

Should be part of this Initial Study

C3

Construction Elements

Prior to construction, a geotechnical investigation would be conducted to examine the soils under the proposed structures in order to finalize design details of structural foundations.[2] The investigation would consist of three to five bores drilled to a depth of 30 to 40 feet. All borings would be backfilled per District standards.

To develop the proposed educational center, the site would be graded and proposed structures constructed on site. Clean fill may need to be imported to help level out the site. Water, sewer, storm drain and electrical lines would be connected to existing infrastructure located in Gold Street. Once the structures, parking lot, and paths were complete, the site would be landscaped including an irrigation system. Staging of construction equipment and worker parking would occur on-site.

Operation and Maintenance

The facility would be open from dawn to dusk. The District would be responsible for maintaining the facility including emptying trash receptacles and cleaning the restrooms on a regular basis. The landscaping would be maintained on a weekly to monthly basis.

Where is this found?

Best Management Practices

The District has defined Best Management Practices (BMPs) as preventive measures that are incorporated into District activities and operations. Generally these practices are structural treatments or non-structural behaviors, methods, actions, procedures, or other management practices that have been shown to prevent, avoid or minimize potential adverse environmental effects. BMPs are designed for routine incorporation into project designs and represent the 'state of the art' prevention practices. When a project requires additional or more specific avoidance or minimization measures not included in the District's BMP handbook, such practices and/or measures are evaluated during the environmental review process as project specific mitigation measures. BMPs are ~~noted~~ described in the discussion of impacts in Section 4 and are listed in the Mitigation Monitoring and Reporting Program Summary Table.

BMPs would be incorporated in the construction documents (plans and specifications) prepared for the project, so all District contractors employed on the proposed project will be contractually required to adhere to them.

needs to be in this Initial Study

C3

[2] Geotechnical studies would normally precede the environmental analysis, but since the project area is within a Superfund site the geotechnical studies have the potential to result in a significant impact to the environment and therefore must be included in this CEQA analysis. ?

Section 4 Environmental Evaluation

Initial Study Checklist
In accordance with CEQA, the following Initial Study Checklist is an analysis of the project's potential environmental effects to determine the appropriate level of environmental review needed. Answers to the checklist questions provide factual evidence and District rationale for determinations of the potential significance of impacts resulting from the proposed project.

The Initial Study checklist shows that the proposed project may have potentially significant effects on air quality, biological resources and from hazards and hazardous materials. Mitigation measures have been proposed for the project to reduce such effects to less-than-significant levels; and therefore, the proposed Mitigated Negative Declaration is consistent with CEQA Guidelines §15070. Descriptions of the BMPs and mitigation measures to be incorporated in the proposed project are included.

ENVIRONMENTAL CHECKLIST FORM

APN # 015-34-019

1.	Project Title:	Gold Street Educational Center
2.	Lead Agency Name and Address:	Santa Clara Valley Water District 5750 Almaden Expressway San Jose CA 95118
3.	Contact Person and Phone Number:	Michael Martin (408) 265-2600
4.	Project Location:	East side of Gold Street on the south side of the Guadalupe River, Alviso (San Jose), CA
5.	Project Sponsor's Name and Address:	Santa Clara Valley Water District 5750 Almaden Expressway San Jose CA 95118
6.	General Plan Designation:	Public Park and Open Space within the Alviso Planned Community
7.	Zoning:	R-MH Mobilehome Park Residential Zoning District
8.	Description of the Project:	Educational center
9.	Surrounding Land Uses and Setting:	West and south – Office Park East – Mobilehome Park North – Guadalupe River
10.	Other public agencies whose approval is required:	City of San Jose, California Department of Toxic Substance Control, California State Lands Commission, U.S. Environmental Protection Agency, CIWMB

Site is adjacent to "Trails + Pathways Corridor" as shown on the SJ 2020 General Plan "Scenic Routes and Trails Diagram". Reference pgs. 269 (map) + 272-273 (discussion) + 268

C10

1. AESTHETICS

Would the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				✓
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				✓
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				✓
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				✓

1a/b/c) Visual Character

The project is not located near a scenic highway or other designed scenic resource. The site is currently undeveloped and dominated by weedy vegetation. It is surrounded on three sides by residential and office uses and the Guadalupe River to the north. Developing the site into an educational center could be considered a beneficial aesthetic impact by integrating a vacant lot into the surrounding development.

describe type of lighting proposed + how consistent w/ City of San Jose Outdoor Lighting Policy + Riparian Corridor Policy (pg. 42)

C6

1d) Light/Glare

The surrounding residential and office uses include lighting. The inclusion of lighting in the proposed parking lot would result in a slight increase of night time lighting in the area, but would not create substantial light or glare, or affect night time views in the area.

2. AGRICULTURE RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				✓
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?				✓

The site is not in agricultural production and would not impact agricultural uses on the site or elsewhere.

C6

(see 2 attachments: City Lighting Pol. + excerpt from Rip. Corr. Pol.)

C11

Note: You need to discuss BMPs in this Initial Study. It's not enough to just list them in the MMRP.

monoxide standards in the Bay Area. BAAQMD's approach to CEQA analyses of PM_{10} generation during construction is to emphasize implementation of effective and comprehensive control measures rather than detailed quantification of emissions. If all of the control measures indicated in the BAAQMD CEQA Guidelines will be implemented, then air pollutant emissions from construction activities are considered to be sufficiently mitigated to a less than significant level. These dust control measures would be incorporated into the project as BMPs – AQ-1 (Dust Control Measures).

where described? Need to be in this doc.

3d) Exposure to Pollutant Concentrations

The proposed project is located within the South Bay Asbestos Area, a Superfund site on the Federal National Priority List. The site was nearby or part of the closed Santos Landfill, which accepted residential and commercial waste. The Santos Landfill was one of three landfills in the Alviso area that are thought to have received asbestos waste from a local asbestos-cement pipe manufacturing plant.

A Phase II Environmental Site Assessment did not find materials on-site that would pose a significant, chronic threat to human health or the environment. However, given the history of the site there is still the possibility of hazardous materials being discovered and released to the air during construction. BMPs for dust control and mitigation measure HM-1 (Soil Management Plan), which is discussed under Hazards and Hazardous Materials, minimize the likelihood of release of hazardous materials to the air to less than significant level.

Discuss LEA/CIWMB approvals/requirements

C2

3e) Odors

The project is not anticipated to generated odors during construction or during operation.

3f) Greenhouse Gasses

The project would result in the greenhouse gasses from construction equipment operating on the site and from traffic generated from maintenance and visitors.

Traffic from maintenance and visitors is not expected to result in new traffic trips. Traffic to the site would likely be from visitors that would otherwise visit the area and park elsewhere if the proposed education center were not available. Likewise, maintenance is likely to be included into existing maintenance scheduling and routes performed either by the District or under a contract from the District.

Although construction related activities will result in emissions from construction equipment, the construction period will be of limited duration and of limited scope. This impact is not considered cumulatively considerable.

Best Management Practices
AQ-1: Dust Control Measures
(See Appendix A for details)

Where described? How does the BMP help to avoid impacts? Needs to be discussed in this doc. — not adequate to just briefly mention them + then list them in the MMRP.

C11

4. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game, U.S. Fish and Wildlife Service, or NOAA - Fisheries?		✓		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			✓	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal) through direct removal, filling, hydrological interruption, or other means?				✓
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				✓
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		✓ ?	✓ ?	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				✓
g) Adversely affect previously established mitigation site(s) for other project(s)?				✓

discuss consistency w/ City of S.J.'s, Riparian Corridor Policy / G.P. Policies

C5

4a) Sensitive Species

Background

It is unlawful to "take" a federally or state protected animal and plant species. "Take" is defined as: "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct (16 USC 1532)." Take of a special-status species would be considered a significant impact.

Special-status species are defined as plants and animals that are protected under California or Federal Endangered Species Acts (ESA) or other regulation, and species that are considered sufficiently rare by the scientific community to qualify for such listing. Special-status plants and animals are species in the following categories:

- Species listed or proposed for listing as threatened or endangered under the federal ESA (50 CFR 17.12, 50 CFR 17.11, and various notices in the Federal Register)
- Species that are candidates for possible future listing as threatened or endangered under ESA (61 FR 40 7596-7613)

- Species listed or proposed for listing by the State of California as threatened or endangered under the California ESA (14 CCR 670.5)
- Species that meet the definitions of rare or endangered under CEQA (14 CCR 15380)
- Plants considered by the CNPS to be "rare, threatened, or endangered in California" (Lists 1B and 2)
- Animal species of special concern to the CDFG as identified in CDFG's Special Animals List
- Bird species that are CDFG first- or second-category species of special concern
- Animals fully protected in California (California Fish and Game Code, Sections 3511, 4700, and 5050)

Discussion

The project area is surrounded by development on three sides and has been previously disturbed. The only special status species with the potential to be affected by the project is the burrowing owl, a state Species of Special Concern. Burrowing owls favor flat, open grassland with sparse or non-existent tree or shrub canopies. They are found in close association with ground squirrels as burrowing owls use ground squirrel burrows for shelter. Ground squirrels provide burrows and maintain short vegetation height, which provides visual protection from avian predators and foraging habitat. In California, the burrowing owl has been designated due to diminishing habitats and concurrent population declines.

Burrowing Owl

Burrowing owls are known to inhabit the levees of the Guadalupe River and surrounding area. In 2002, Legacy Partners constructed a burrowing owl mitigation habitat site on the Legacy Terrace Development Open Space Preserve approximately 1,500 feet to the southwest. In five years of monitoring no burrowing owls were found on the mitigation site. (Wetlands Research Associates, 2007)

In a visit to the project site on November 13, 2008 no ground squirrel burrows were noted. The area was surveyed for burrowing owls during the winter migratory season in 2007-08 and again during the breeding season during 2008 but no burrowing owls were observed in the project area.[3] The absence of burrows on site reduces the likelihood of disturbing burrowing owls, but the site could provide suitable habitat in the future. To ensure that occupied burrows are not disturbed during grading activities, the District will implement MM BIO-1, which requires pre-construction surveys for burrowing owls and buffer zones around occupied burrows.

Mitigation Measure for burrowing owl

MM BIO-1 – Burrowing Owl surveys and buffer zones

Pre-construction surveys for burrowing owls will be conducted by a qualified ornithologist with local experience, prior to any soil-altering activity within the Project area. Pre-construction surveys will be conducted per CDFG guidelines (no more than 30 days prior to the start of soil moving activities), regardless of the time of year in which grading occurs. If no burrowing owls are found, then no further mitigation would be warranted.

If breeding owls are located on or immediately adjacent to the site, a 250 foot construction-free buffer zone around the active burrow will be established as determined by the ornithologist. Burrowing owls will not be evicted from the site during the breeding season. If owls are resident during the non-breeding season, a qualified ornithologist with local experience, in accordance with accepted biological protocol, will move the owls in consultation with CDFG.

---

3 Personal communication with Joe Chavez, biologist with the Santa Clara Valley Water District.

C6

where located on site plan (too fuzzy to make out)

C11

where are these described in this doc.? (See pg. 17)

Would there be any outdoor lighting impacts on Guadalupe River? Describe how project is consistent w/ City's Riparian Corridor Policy. We need more info on type of lighting.

Nesting Birds

The Migratory Bird Treaty Act (16 U.S.C. Section 703) prohibits killing or possessing migratory birds expect in accordance with regulation prescribed by the Secretary of the Interior, including nests and eggs. Birds of prey are also protected in California under Fish and Game Code Section 3503.5. Removal or disturbance of the active nests could result from grading activities. The inclusion of BMPs BIO-1 (Migratory Bird Survey), BIO-2 (Nesting Prevention – Vegetation Clearing) and BIO-3 (Nesting Exclusion Devices) will reduce the likelihood of birds nesting on site. However, if active nests are discovered on the project site, the project could still result in a significant impact. Implementation of **MM BIO-2**, requiring nest protections and buffer zones of active nests, would reduce the impact to a less than significant level.

MM BIO-2 – Nest protection and buffer zones

In the event that an active nest of a protected bird species is discovered in the project area during construction, or in adjacent areas considered to have the potential to be disturbed by construction, a protective buffer zone shall be established around the nest as recommended or approved by applicable resource agencies, or as follows: A 20-foot radius protective buffer zone shall be established around the nest of any non-raptor, ground-nesting bird, and a 50-foot radius protective buffer zone shall be established around nests in shrubs, trees, on structures, on equipment, etc., except for raptor nests. The protective buffer zone shall be 250 feet for hawks, owls (excluding burrowing owls), herons and egrets. Fencing shall be installed at the boundary of each new protective buffer zone. All protective buffer zones shall be maintained, and no entrance shall be allowed into protective buffer zones, until such time as the nest becomes inactive.

why excluded?

4b-d) Sensitive Habitats and Wetlands / Wildlife Movement

The project area contains weedy vegetation and is surrounded by development. There are no sensitive habitats on the project site, nor does it support wildlife movement or provide a corridor between habitat areas.

Explain how project will be consistent w/ San Jose's Outdoor Lighting Policy

C6

4e) Local Policies

The project would not require the removal of trees. The project would be consist with natural resource polices of the City of San Jose.

which ones? General Plan Pols? Riparian Corridor Pols? Be specific

C5

4f) Habitat Conservation Plan

There is no adopted Habitat Conservation Plan for the region. Project implementation would occur consistent with the Habitat Conservation Plan/Natural Communities Conservation Plan being developed by the County of Santa Clara, Santa Clara Valley Transportation Authority, Santa Clara Valley Water District, and the Cities of San Jose, Gilroy and Morgan Hill with the California Department of Fish and Game, U.S. Fish and Wildlife Service, and National Marine Fisheries Service.

4g) Other Mitigation Sites

The project does not interfere with mitigation commitments for any other project.

See bottom of next pg.

Best Management Practices

BIO-1: Migratory Bird Surveys
BIO-2: Migratory Bird Nesting Prevention Vegetation Clearing
BIO-3: Migratory Bird Nesting Exclusion Devices

describe in this doc. (see bottom pg. 17 comment)

5. CULTURAL RESOURCES

Would the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?			✓	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?			✓	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			✓	
d) Disturb any human remains, including those interred outside of formal cemeteries?			✓	

The site was previously used as, or immediately adjacent to, a landfill. The Phase I Environmental Site Assessment performed for the project notes that the site appears to have been submerged in a 1965 aerial photograph. Therefore it is likely that the site contains fill material. Given the disturbed nature of the site and the minimal excavation needed for the project, it is unlikely that cultural resources would be uncovered. To address the potential for the unexpected discovery of historic resources standard BMPs are included in the project: Cult-01 (Archeological Finds) and Cult-02 (Burial Finds).

Best Management Practices
Cult-1: Archeological Finds
Cult-2: Burial Finds

describe these in this doc. (see comment, bottom of pg. 17)

C11

C5

Biology
Pls. review SJ 2020 GP Goals + Policies, pages. 115–118
(comment for previous section)

6. GEOLOGY AND SOILS

Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Rupture of known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				✓
b) Strong seismic ground shaking?			✓	
c) Seismic-related ground failure, including liquefaction?			✓	
d) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			✓	
e) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			✓	
f) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?				✓
g) Would the project result in substantial soil erosion or the loss of topsoil?			✓	
h) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			✓	

should be part of this Initial Study

6 a-f) Geologic Hazards

The project is located between the San Andreas Fault to the west and the Hayward and Calaveras Faults to the east, but is not located over a known fault. The site may contain fill and may have been used as a landfill in the past. The site is mapped as having a 'very high' susceptibility to liquefaction by the United States Geological Survey. High groundwater was encountered in parts of the site during the Phase II Environmental Site Assessment.

C3

The District would conduct geotechnical studies as part of the design of the structures proposed for this project as discussed in the project description. Structures would be designed to appropriate building standards given the results of the geotechnical investigation. The City of San Jose must review and approve a building permit prior to construction. The approved design would ensure that the project would not expose people or structures to geologic hazards including fault rupture, ground shaking, liquefaction, landslides, or expansive soils.

6g) Soil Erosion

Soil erosion would be limited by the dust control BMPs discussed in Air Quality and water quality BMPs discussed in Hydrology and Water Quality. The project would result in a less than significant impact to soil erosion.

6h) Septic Systems

The project will be connected to the municipal sewer system. No septic systems are proposed.

7. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			✓	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		✓	~~✓~~	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?				✓
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?		✓		
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				✓
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				✓
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				✓

C12

see comment @ bottom pg. 17

7a/b) Use of Hazardous Materials

Construction would bring large equipment to the site to excavate the project area and construct the proposed structures. No hazardous materials other than minimal quantities of fuels, coolants, and lubricants, would be used. The inclusion of BMPs HM-1 (Vehicle and Equipment Cleaning), HM-2 (Vehicle and Equipment Fueling), HM-3 (Vehicle and Equipment Maintenance), HM-4 (Hazardous Material Management), HM-5 (Spill Prevention), and HM-6 (Spill Kit Location) ensure that the potential for the release of hazardous material from accidental spills and/or leaks during construction is less than significant.

These need to be described in this doc.

C11

The project may require weed control in the proposed landscaping. Weed management may be conducted by a combination of hand pulling, hand tools, mechanical tools such as mowers, and herbicide use. All herbicides would be applied by properly trained personnel using wand applicators to minimize spray on non-target vegetation and would comply with standard BMPs and the District's pesticide policies. The District has standard BMPs for pesticide use including HM-7 (Herbicide Use Requirements), HM-8 (Types of Pest Control), HM-9 (Alternative Evaluation and Approval of Pest Control), HM-10 (Posting and Notification for Pesticide Use), HM-11 (Pesticide Usage Requirements), HM-12 (Pesticide Use Reporting), and HM-13

C2

Project must conform w/ requirements set forth in CCR Title 27. (see attached email comment from Dennis Ferrier)

(Herbicide Use in Upland Areas). The incorporation of BMPs for herbicide use results in a less than significant impact to public health hazards from weed control.

7c) Hazardous Emissions near Schools

George Mayne Elementary School is approximately a half-mile away from the site. The operation of the proposed educational center would not result in hazardous emissions. Construction related exposure from hazardous materials potentially existing on site is discussed below, but would not result in hazardous emissions to the school.

7d) Hazardous Materials Site

must get approvals from EPA + LEA/CIWMB who have regulatory authority over the site. (see attachment)

C2

Background

The proposed project is located within the South Bay Asbestos Area (SBA), a Superfund site on the Federal National Priority List, which encompasses all of Alviso. The project site is nearby or included in the closed Santos Landfill, which accepted residential and commercial waste from approximately 1953 until the early 1960s. The Santos Landfill was one of three landfills in the Alviso area that are thought to have received asbestos waste from an asbestos-cement pipe manufacturing plant. The former dump site may contain materials including soil fill, construction debris, and refuse.

The United States Environmental Protection Agency (EPA) formally listed the SBA on the National Priority List in 1986. The EPA has completed two remedial actions in Alviso: the removal of the ring levee which was constructed with material containing serpentine soils, a source of naturally occurring asbestos; and the paving of dirt parking lots and truck yards where asbestos was found in soils at concentration greater than one percent.

In the most recent five-year review report on the SBA, the EPA recommends that evaluation continue into a health-based standard for asbestos levels in soil, and that deed restrictions be pursued on lands in the former Santos and St. Claire Landfills to ensure the integrity of landfill caps, or determine if new Post-Closure Maintenance and Reuse of Disposal Sites regulations promulgated by the State of California provide equivalent protections. (Environmental Protection Agency, 2005)

Include in Appendix

Discussion

The District authorized a Phase I Environmental Site Assessment in May 2006 and a Phase II assessment in June 2006. (Kleinfelder, 2006) The assessments concluded that concentrations of potential pollutants are not expected to adversely affect the health of construction workers or future occupants of the site. Asbestos concentrations were below thresholds for naturally occurring asbestos in four of seven soil samples and absent from the other three.

There is still a chance of encountering hazardous materials during geotechnical investigations, excavation and construction of the site despite the findings of the environmental site assessments. To reduce the potential impact of exposing and releasing hazardous materials on site **MM HAZ-1** requires the preparation of a Soil Management Plan prior to any ground disturbing activities and its implementation during geotechnical investigations, excavation, and grading.

? is this supposed to be the same as MM HM-1 on next page? If so, please re-label. If not, describe MM HAZ-1

= do MM HAZ-1 ?

Mitigation Measure for Hazardous Materials

MM HM-1 – Soil Management Plan
A certified industrial hygienist shall prepare a Soil Management Plan and Health and Safety Plan prior to any field boring explorations, grading operations and other land excavation. The plans shall include protocols for collecting soil and ground water samples from borings for hazardous material testing; protocols for chemical analysis of collected samples; appropriate recommendations for remediation of any contaminated soils encountered during soil sample collection and construction; standards for site maintenance, dust control and erosion control; and standards for safety and training for workers involved with borings and excavation.

The District shall ensure that the Soil Management Plan and Health and Safety Plan are implemented throughout the project. A Soil Management Plan would also be required for any future excavation on the site associated with the operation of the education center.

(SP) Moffett

7e/f) Airport Land Use Plan
Mineta San Jose International Airport and Moffitt Field are both approximately four miles from the site. The proximity to regional airports would not result in a safety hazard for people working in or visiting the project area.

7g) Emergency Plans
The proposed project would not impact adjacent roadways and therefore not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

7h) Wildland Fires
The project site is surrounded by developed uses and the Guadalupe River. The project does not include features that would increase the risk of a wildland fire.

Best Management Practices
HM-1: Vehicle and Equipment Cleaning
HM-2: Vehicle and Equipment Fueling
HM-3: Vehicle and Equipment Maintenance
HM-4: Hazardous Materials Management
HM-5: Spill Prevention
HM-6: Spill Kit Location
HM-7: Herbicide Use Requirements
HM-8: Types of Pest Control
HM-9: Alternative Evaluation & Approval of Pest Control
HM-10: Posting & Notification for Pesticide Use
HM-11: Pesticide Usage Requirements
HM-12: Pesticide Use Reporting
HM-13: Herbicide Use in Upland Areas

(See Appendix A for details)

describe these in this doc. (see comment @ bottom pg. 17)

C11

C9

size? dimensions?

Prevention Program, the project includes a vegetated detention swale. Runoff from the parking lot would be routed to the swale to filter out pollutants prior to discharge to the storm water system. Storm water from the gazebo, restroom and paved areas would flow to adjacent landscaped areas. The site is not large enough to require a Storm Water Pollution Prevention Plan from the Regional Water Quality Control Board, but the District applies standard BMPs to minimize the potential to degrade water quality including WQ-1 (Groundwater Management), WQ-2 (Site Maintenance and Cleanup), WQ-3 (Water Pollution Control), WQ-4 (Stormwater Pollution Prevention), and WQ-5 (Sanitary / Septic Waste Management). The impact to water quality would be less than significant.

C11

Describe this in this doc (see pg. 17)

8b) Groundwater

Construction will require only minor excavation and create a small amount of new impervious surface. To prevent contaminants from entering groundwater through geotechnical borings the District implements BMPs for exploratory borings including WQ-6 (Well or Exploratory Boring Material Management), WQ-7 (Well or Exploratory Boring Contaminant Protection), and WQ-8 (Exploratory Boring Destruction). The project would not significantly impact the movement or quantity of groundwater in the area.

not all of it. Site plan appears to drain ptn. of parking lot/drive way to Gold St.

C8

8d/e/i) Flooding and Storm Water

The site does not contain a stream or other water feature. Storm water on the site would be routed to a vegetated swale prior to discharge to the storm water system. The swale would be designed and constructed to maintain the existing quality and quantity of storm water coming off the site. The project would not alter drainage patterns or significantly increase the amount of storm water allowed to leave the site and therefore will not increase the risk of flooding on or off-site.

8g/h) 100-Year Flood Hazard

The project site has a flood plain elevation of 11.75 feet according to the Flood Insurance Rate Map produced by the Federal Emergency Management Agency as updated by the Letter of Map Revision dated October 25, 2006. Permanent structures should be at least one foot above the 100-year flood plain. The existing topography of the proposed structures is at approximately 13 feet, which puts the proposed structures out of the 100-year flood event. The project does not involve housing or structures that could impede or redirect flood flows.

8i/j) Seiche, Tsunami and Mudflow

The site does not contain a water feature that would be subject to seiche or tsunami, and is not located in an area that would present or cause hazards due to mudflow.

The site is protected by a levee of the Guadalupe River and is downstream of a number of dams in the Guadalupe Watershed. The chances of dam or levee failure are highly unlikely, and would need to be accompanied by high flows in the Guadalupe to be a threat to the project site. The educational center would not likely be in use under such conditions. The potential impact is less than significant.

C11

Best Management Practices

WQ-1: Groundwater Management
WQ-2: Site Maintenance and Cleanup
WQ-3: Water Pollution Control
WQ-4: Stormwater Pollution Prevention
WQ-5: Sanitary / Septic Waste Management
WQ-6: Well or Exploratory Boring Material Management
WQ-7: Well or Exploratory Boring Contaminant Protection
WQ-8: Exploratory Boring Destruction

describe these in this doc. (see pg. 17)

9. LAND USE AND PLANNING

Would the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?				✓
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				✓
c) Conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?				✓

The site is zoned R-MH Mobilehome Park Residential Zoning District in ~~Residential – Mobile Home by~~ the City of San Jose and has a General Plan designation of Public Park and Open Space [redacted] within the Alviso Planned Community master plan. The proposed educational center is consistent with these land use designations with the approval of a Site Development Permit from the City. The project would not divide an established community or conflict with a Habitat Conservation Plan.

10. MINERAL RESOURCES

Would the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✓
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				✓

The only known mineral resources located in San Jose are in the Communications Hill area. The project site is not located in or adjacent to this designated area.

11. NOISE

Would the project result in:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?			✓	
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?			✓	
c) Substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			✓	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			✓	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✓
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				✓

C13

11a/c/d) Noise Standards / Ambient Noise Level

P/S. review our SJ 2020 General Plan, Goals + Policies, Noise on pgs. 132–135, + address noise impacts using our GP Noise Pols.

Background

Major noise sources at the site include the Southern Pacific railroad track to the west, State Route 237 to the south and from aircraft overhead taking off or landing from Mineta San Jose International Airport. The San Jose 2020 General Plan states that the City's acceptable exterior noise level is 55 DNL long-term, and 60 DNL short-term. Acceptable interior noise level is 45 DNL. The plan recognizes that noise levels may not be achieved in the Downtown, and in the vicinity of major roadways and Mineta San Jose International Airport.

Project Impact

So, what would the construction noise level be the the adjacent res'l.? Impact? Describe construction

Construction impacts

C14

Noise generated during construction depends on the type of equipment used, the timing and length of noise-generating activities, and the distance between the noise-generating activities and nearby sensitive receptors. Construction noise levels vary depending on the number and type of equipment used. Most construction noise is in the range of 75 to 80 dBA measured at a distance of 100 feet.

Noise generated by project construction activities would substantially increase noise levels in the project vicinity on a temporary basis, and may impact adjacent residential uses. Since these impacts would be short-term, construction is expected to only last nine months, with ground moving activities that would generate the most noise being a small part of the construction time frame, this impact is considered less than significant. Construction impacts would be minimized through implementation of standard BMPs including NO-1, Residential Noise Management.

C11

describe in this doc.

noise mitigation.

Operational noise
The educational center is not expected to generate a significant amount of noise. The facility does not include active recreational equipment or a playground that could generate noise, and the facility is not anticipated to generate a significant or regular amount of traffic that could increase noise levels in the area. The project would have a less than significant impact to ambient noise levels.

11b) VIBRATIONS

Project related construction would require minimal excavation so construction related vibrations are expected to be below the level of human perception and are a less than significant impact.

The use of the educational center would not generate vibrations.

11e/f) NOISE FROM AIR TRAFFIC

Discussion
The project is approximately four miles from Mineta San Jose International Airport. The project is under the flight path of the airport, but it far enough away that noise from aircraft would not expose visitors to the educational center to dangerous noise levels.

C11 **Best Management Practices**
NO-1: Residential Noise Management

describe in this doc. (see pg. 17)

12. POPULATION AND HOUSING

Would the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				✓
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				✓
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				✓

The project will have no impact on land use or housing. The project would not induce new population or housing or displace existing populations or housing.

15. TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (for example, result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			✓	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				✓
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?				✓
d) Substantially increase hazards due to a design feature (for example, sharp curves or dangerous intersections) or incompatible uses (for example, farm equipment)?				✓
e) Result in inadequate emergency access?				✓
f) Result in inadequate parking capacity?				✓
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (for example, bus turnouts, bicycle racks?				✓

The project would serve as a staging area for visitors to the Alviso area and users of trails along the adjacent levee. The education center is not anticipated to attract a large number of visitors and should not generate a noticeable increase in traffic on adjacent roads. Parking would be provided on-site including a bus turnout for occasional school visits. The project would result in a less than significant impact to the existing traffic load.

of what?

Construction of the educational center will require construction vehicles and deliveries to the site. Construction will be for a limited period of no more than nine months, and the District has standard BMPs, TR-1 (Public Safety Measures) to ensure construction traffic and activities do not significantly impact adjacent roadways.

The project would not alter air traffic patterns, increase traffic hazards, impact emergency access or conflict with alternative transportation policies.

Best Management Practices
TR-1: Public Safety Measures

What are they – how does the reader know what they are?

C11

Describe in this doc.
(see pg. 17)

16. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				✓
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction or which could cause significant environmental effects?				✓
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				✓
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				✓
e) Result in a determination by the waste water treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				✓
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				✓
g) Comply with federal, state, and local statutes and regulations related to solid waste?				✓

The project will require minimal utility services. The project would connect to the San Jose Municipal Water System for domestic water and landscaping, Pacific Gas & Electric for electricity, San Jose/~~Santa Clara Water Pollution Control Plant~~ for sewer, and would be served by Garden City Sanitation for refuse disposal. The project would not result in the need for new or expanded services from these providers.

City of

Sanitary Sewer System

Based on San Jose Ordinance for sites with ½ mile of the SBWR pipeline, the Ed. Ctr. should be plumbed to use recycled water for watering of indoors + out.

C15

17. MANDATORY FINDINGS OF SIGNIFICANCE

Does the project:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			✓	
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects.)			✓	
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			✓	

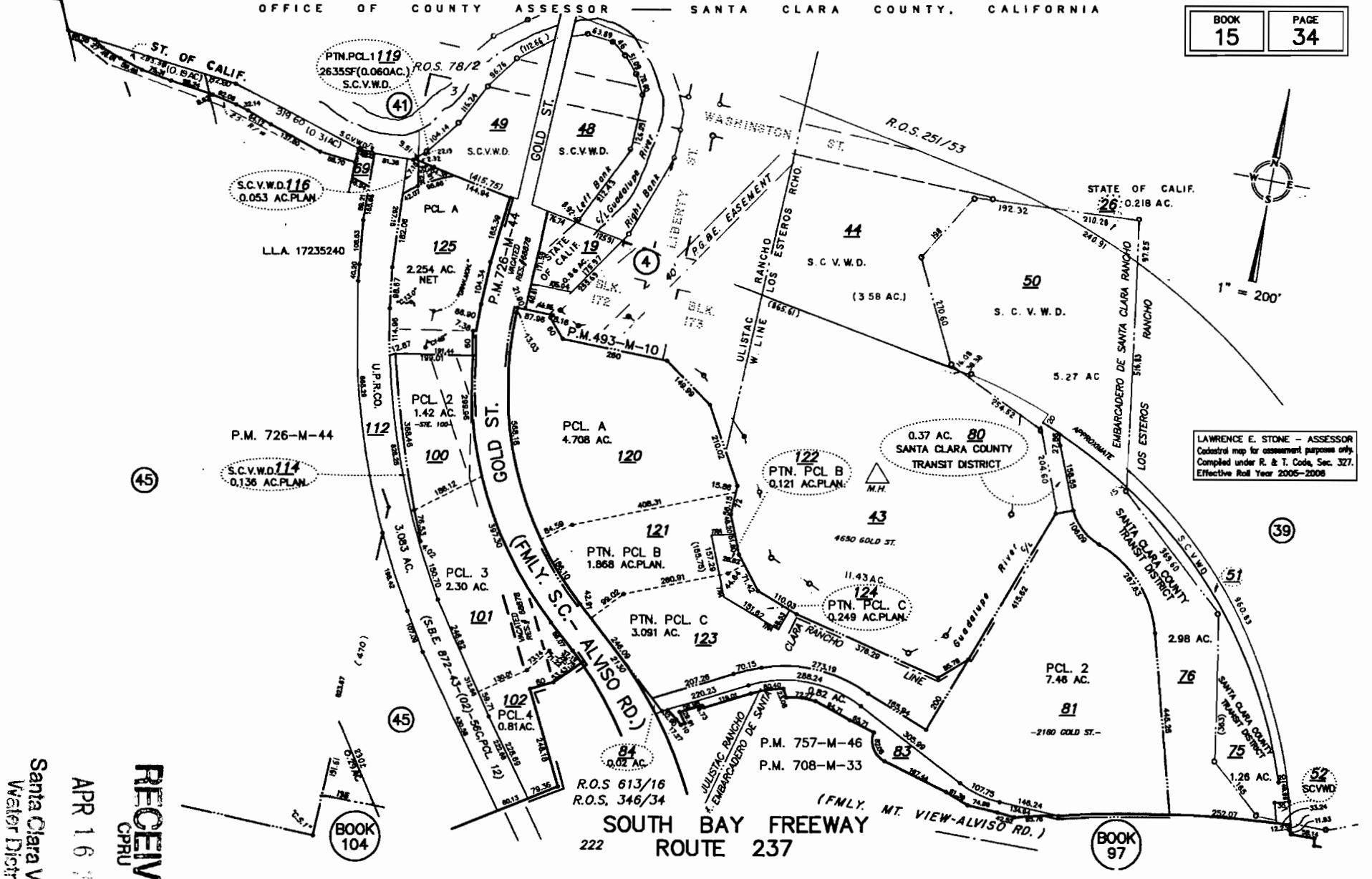
The project would not result in significant impacts associated with the CEQA mandatory findings of significance. Based on the analysis provided in this Initial Study, and the inclusion of Mitigation Measures and Best Management Practices discussed in this report, the proposed educational center would not substantially degrade or reduce wildlife species or habitat, significantly impact cultural resources, result in significant cumulative impacts, or otherwise cause adverse effects on humans.

C11

BMPs are NOT discussed in this report (except very briefly) They need to be described in this doc. (also, see comments @ bottom pg. 17)

OFFICE OF COUNTY ASSESSOR — SANTA CLARA COUNTY, CALIFORNIA

BOOK	PAGE
15	34



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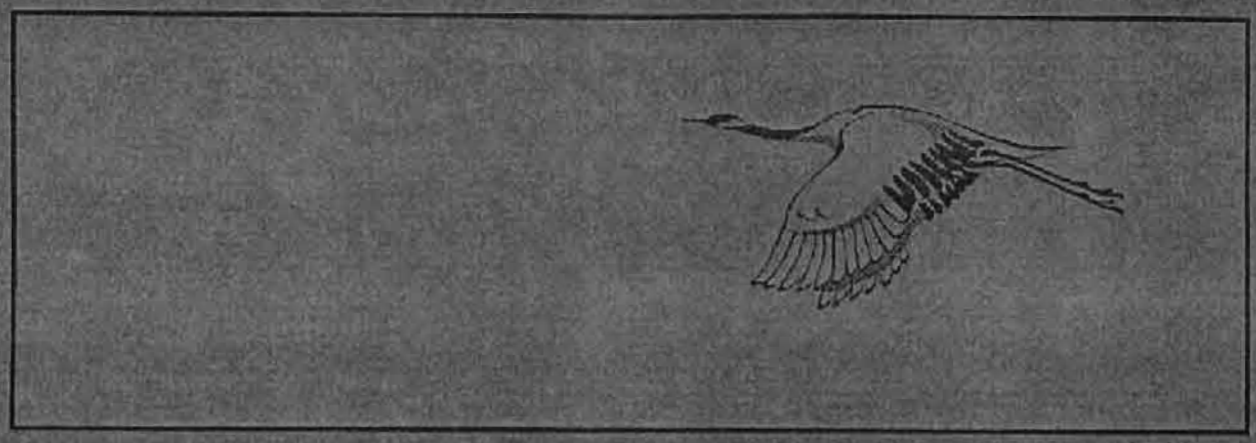

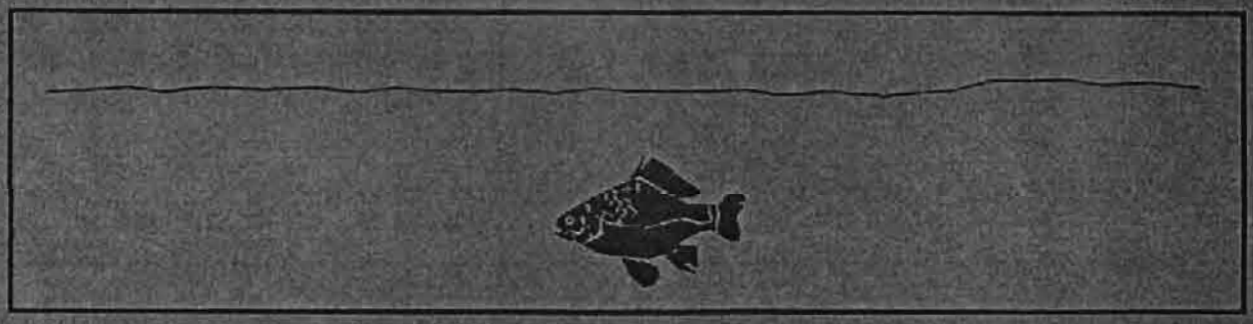

RIPARIAN CORRIDOR POLICY STUDY

CITY OF SAN JOSE

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on our web site @ : www.sanjoseca.gov/planning/design_guidelines/

City of San José, California

CITY COUNCIL POLICY

TITLE	PAGE	POLICY NUMBER
	1 of 3	4-3
OUTDOOR LIGHTING ON PRIVATE DEVELOPMENTS	EFFECTIVE DATE 3/1/83	REVISED DATE 6/20/00

APPROVED BY
Council Action – March 1, 1983; Revised by Council Action – June 20, 2000

BACKGROUND

The City of San Jose has pioneered the use of outdoor lighting that saves energy and preserves the night sky for astronomical research, while creating appropriate levels of lighting for nighttime activities. The City, beginning in 1980, began converting all public street lighting outside of Downtown to low-pressure sodium lights, which are energy-efficient, cost-effective and minimize interference with astronomical research at Lick Observatory (see Policy No. 4-2 (Revised 1-12-82) for the City's Street Light Conversion Policy.) The benefits the community has derived from low-pressure sodium lighting on public streets and property warrant the use of low-pressure sodium lights on private developments. To further these goals, the City Council, on March 1, 1983, approved Resolution No. 56286 adopting as City policy the requirement that low-pressure sodium illumination be used in the outdoor areas of new private developments. The regulation of outdoor lighting fixtures has resulted in energy conservation, which furthers the goals of the Sustainable City Major Strategy of the San Jose 2020 General Plan. The year 2000 revision clarifies the policy intent and its application.

PURPOSE

The purpose of this policy is to promote energy-efficient outdoor lighting on private development in the City of San Jose that provides adequate light for nighttime activities while benefiting the continued enjoyment of the night sky and continuing operation of the Lick Observatory by reducing light pollution and sky glow.

POLICY

General Statement of Policy

- The use of low-pressure (LPS) sodium lighting for outdoor, unroofed areas shall be required for all private development in the City of San Jose as a condition of approval on all Land Use Development Permits. Below are the parameters for such lighting:
- No light source shall be directed skyward.
- All light sources that produce more than **4,050 lumens** shall be **fully shielded** (full cutoff) to prevent light aimed skyward.
- All light sources that produce less than **4,050 lumens** must be at least **partially shielded**.
- Lighting fixtures that illuminate pedestrian walkways may use light sources other than LPS, but only when such fixtures are **fully shielded**.
- Seasonal decorative lighting is allowed to be unshielded only if using very low-wattage fixtures with a cumulative luminosity that does not negatively affect other properties or the night sky. The Director of Planning reserves the right to limit any lighting that adversely affects other properties or the night sky.
- All outdoor lighting fixtures, including display lighting, shall be turned off within one hour of the close of business, unless needed for safety or security, in which case the lighting shall be reduced to the minimum level necessary.

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- Lighting fixtures and architectural detailing that use luminous tube lighting (neon, argon or krypton) should be limited to yellow, orange and red colors to minimize interference with the Observatory.

- When luminous tube lighting is used in signage, it is subject to the provisions of the Sign Ordinance.

- Properties with existing non-conforming lighting shall be required to conform to this policy as a part of any permit for reuse, expansion of use, or change in use.

Exceptions

The Director of Planning shall consider exceptions to the use of low-pressure sodium lighting for outdoor areas only during a development permit process for the property. All exceptions shall require a photometric study of the proposal, a referral to the Lick Observatory, and must be the subject of a public hearing. Any alterations or changes to the lighting plan of a development permit that involve the use of illumination fixtures other than LPS must likewise be granted by the Director and be the subject of a public hearing. Any member of the public may appeal decisions about exceptions to this policy before the Planning Commission.

The Director of Planning may grant exceptions to LPS only for uses within a nighttime environment where it is deemed appropriate. Parking lots and driveways shall not be considered for exemption from the low-pressure sodium lighting requirement regardless of nighttime environment. The City of San Jose has several different types of nighttime environments:

- Intrinsically dark environments such as county and regional parks, rural areas, areas adjacent to optical astronomical observatories, and areas with minimal or no outdoor lighting shall be lit at the minimum level necessary and shall not be considered for exemptions from the LPS requirement.

- Suburban and rural residential areas shall remain areas of low-ambient light levels and also shall not be considered for exception from the LPS requirement.

- Urban residential areas are areas of medium-ambient light levels and shall not be considered for exception from the LPS requirement, except in limited circumstances for recreational facilities, as specified below.

- For urban areas of mixed residential and commercial use, exceptions may be granted by the Director of Planning only for the specific uses specified below.

Within the nighttime environments where higher levels of light could be considered, only specific land uses may qualify for exception from the LPS requirement. Exceptions using other outdoor light illumination fixtures including incandescent, metal halide, high-pressure sodium, fluorescent, and mercury vapor, are limited to the following circumstances:

- *Pedestrian-Oriented Nighttime Districts:* For pedestrian-oriented nighttime activity areas with vertical mixed residential and commercial use or business districts adjacent to residential areas (including areas of Neighborhood Business Districts), exceptions to the use of LPS lighting shall be considered only where other lighting is crucial to the success of pedestrian-oriented businesses. Outdoor lighting shall be **fully shielded** regardless of the lumen output and reduced to the minimum level necessary by 10:00 p.m. or within an hour of the close of business, whichever is later.

- *Outdoor recreational facilities*: For field sports such as football, baseball, softball or soccer, **partially shielded** light fixtures may be used during such recreational events. Recreational

uses such as tennis, volleyball, handball, and racquetball shall use fully shielded fixtures. Lighting for outdoor recreational activity must be extinguished by 11:00 p.m., or when the activity is concluded, but only if the event began before 10 p.m.

- *Outdoor automobile sales areas and outdoor material handling areas*: This exception will only be considered in areas where color rendition is critical to preserve the effectiveness of these specified activities. Non-LPS lighting must be **fully shielded** and extinguished by 10:00 p.m. or within one hour of the close of business, whichever is later.

The Downtown Core, as defined in the General Plan, is exempt from the provisions of this policy, as are any areas that the Council has exempted up until the date of this revision. To allow time for further review of associated issues, the current exemption for outdoor automobile sales areas shall continue for one year from the date the City Council approved revisions to this policy on June 20, 2000.

Definitions

Fully Shielded: For the purposes of this policy, fully shielded shall mean an outdoor light fixture shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below a horizontal plane extending from the bottom of the light fixture.

Partially Shielded: For the purposes of this policy, partially-shielded light fixtures means an outdoor light fixture shielded in such a manner that not more than 10% of the light emitted directly from the lamp or indirectly from the fixture is projected at angles above a horizontal plane extending from the bottom of the fixture.

4,050 lumens: The acceptability of a particular light fixture is decided by its lumen output. The lumen output of a lighting fixture are specified by the manufacturer. Some typical examples of fixtures that produce 4,050 lumens are 200 Watt standard incandescent, 150 Watt Tungsten-Halogen (quartz), 50 Watt High Pressure Sodium, 50 Watt Cool White Fluorescent, and 30 Watt Low Pressure Sodium.

REV. 07/15/04

City of San Jose

Code Enforcement Division
Department of Planning, Building, and Code Enforcement
Local Enforcement Agency Program (LEA)

Phone (408) 277-4528 or (408) 277-8725

APPLICATION PROCEDURE for Post-Closure Projects at Disposal Sites

CALIFORNIA CODE OF REGULATIONS, TITLE - 27

EXCERPTS OF RELEVANT CODE SECTIONS: California Code of Regulation (CCR), Title 27, **Section 21100 (b)(2)**, provides: "The regulations contained in this article apply to. . . (2) new postclosure activities that may jeopardize the integrity of previously closed sites or pose a potential threat to public health and safety or the environment;" **Section 21190** provides: (a) "proposed post-closure land uses shall be designed and maintained to: (1) protect public health and safety and prevent damage to structures, roads, utilities and gas-monitoring and control systems...."; (c) "...all proposed post-closure land uses, other than non-irrigated open space, on sites implementing closure or on closed sites shall be submitted to the EA {Enforcement Agency}, RWQCB {Regional Water Quality Control Board}, Local Air District and local land use agency. The EA shall review and approve proposed post-closure land uses if the project involves structures within 1000' of the disposal area, structures on top of waste, modification of the low permeability layer, or irrigation over waste .... Etc." (NOTE: it is important to read the full text of the code sections listed in the attached 'Closure Post-Closure Regulations' Matrix.

I RECOMMENDATION: Call the LEA and make an appointment for a pre-application (informal) meeting with the LEA staff to discuss your proposed project.

II A complete application must include the following:

1. A letter from the owner of the property to this office (the LEA) identifying the property location, property description, and a request for review of the project.
2. A project description, including a site/building plan, and all relevant engineering information necessary to address the requirements of California Code of Regulations, Title 27 (see attached regulatory matrix).
3. An environmental clearance document (a CEQA Exemption, Negative Declaration, Environmental Impact Report etc.), as determined appropriate for the project.
4. A completed 'Regulatory Checklist' for Closure/Post-Closure Review, with supporting documentation.
5. A **$1500.00** project review fee (LEA). The applicant may also be required to pay the cost of a third party engineering review, by a firm selected by and under the direction of the LEA, when an engineering review is required by either the LEA or the CIWMB. Examples of projects typically requiring a third party engineering review would be projects designed by a State Licensed Engineer, who exercises professional engineering judgement in the following areas: design of structures over landfills, piling supported structures, active gas control systems, the construction and operation of environmental controls systems.

III Two copies of a complete application package must be submitted to :

City of San Jose
Local Enforcement Agency Program
Department of Planning, Building, and Code Enforcement
170 W. San Carlos Street, 3rd Floor
San Jose, Ca 95113

***DISPOSAL SITES** - This application process applies to disposal sites which were closed before January 1, 1988; for landfill sites that were in operation on or after January 1, 1988 a more extensive application process is required in order to demonstrate compliance with CCR Title 27 standards.

§21100. CIWMB -- Scope and Applicability. (T14:§17760)

(a) This article sets forth the performance standards and the minimum substantive requirements for proper closure, postclosure maintenance and ultimate reuse of disposal sites. The EA may require the operator or owner to address site-specific conditions as part of the solid waste facility permit or any plan needed for closure of the site to ensure that public health and safety and the environment are protected. [For water quality aspects of closure and/or postclosure maintenance, refer to requirements set forth in §20950.]
(b) The regulations contained in this article apply to:
(1) disposal sites that did not complete closure prior to November 18, 1990, in accordance with all applicable requirements; and
(2) new postclosure activities that may jeopardize the integrity of previously closed disposal sites or pose a potential threat to public health and safety or the environment.
(c) All closure plans submitted after the effective date of the regulations shall conform to the regulations in this article. Closure plans submitted prior to the effective date of this article that have been deemed complete and for which detailed comments have been supplied by the CIWMB and the EA within 12 months of the original submittal date shall not need to be resubmitted. Closure plans submitted prior to the effective date of this article that have been deemed complete but for which detailed comments have not yet been supplied by the CIWMB and the EA may not need to be resubmitted.
(d) Closed sites for which closure plans were not approved pursuant to §20164 or §21099, and illegal or abandoned disposal sites which pose a threat to public health and safety or the environment shall implement the provisions of these regulations as required by the EA.
(e) [Reserved]
(f) The EA shall apply these regulations to non-MSWLF units, except for disposal sites that have received household or commercial wastes, only as necessary to protect public health and safety, until such time as those non-MSWLF units or disposal sites have been placed into the regulatory tier structure set forth in Subchapter 2 of Chapter 4 (§21460 et seq.) The EA shall implement these regulations in coordination with RWQCB or other agencies as applicable.
[Note: Subsection (e) (reserved) has been added to address closure of disposal sites which have been or will be slotted by the Board into regulatory tiers (e.g. non-MSWLF construction and demolition landfills and monofills for ash and contaminated soils).]
NOTE

Authority cited: Sections 40502 and 43020, Public Resources Code; and Section 66796.22(d), Government Code. Reference: Sections 43021 and 43103, Public Resources Code, and Section 66796.22(d), Government Code.
HISTORY
1. New section filed 6-18-97; operative 7-18-97 (Register 97, No. 25).

County of Santa Clara

Parks and Recreation Department

298 Garden Hill Drive
Los Gatos, California 95032-7669
(408) 355-2200 FAX 355-2290
Reservations (408) 355-2201
www.parkhere.org

April 20, 2009

Michael Martin, Environmental Planner
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118

Re: Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration (MND) for the Gold Street Educational Center

Dear Mr. Martin:

The Santa Clara County Parks and Recreation Department (County Parks Department) has reviewed the Notice of Intent (NOI) to adopt a Mitigated Negative Declaration (MND) for the Gold Street Educational Center and submits the following comments. The County Parks Department's comments are primarily focused on potential impacts related to the *Santa Clara County Countywide Trails Master Plan Update* relative to countywide trail routes, public access, and regional parks.

D1 The MND should include a discussion related to the Santa Clara County Countywide Trails Master Plan Update, an element of the Parks and Recreation Section of the County General Plan, that the Board of Supervisors adopted on November 14, 1995 and how the proposed project is consistent with the Countywide Trails Master Plan Update.

Section 4: Environmental Evaluation
14. Recreation (a)
The project will not create additional demand for existing or new recreational facilities. The project would provide visitors to the area a new trailhead to existing trails and educational information on the Alviso community and Guadalupe River.

D2 The comment under **Recreation (a)** is "No Impact." We suggest that it be noted *Less Than Significant Impact*, rather than *No Impact*. The written description should state that the project would anticipate an increased number of visitors to the area and that the new trailhead would provide a connection to existing trails which will increase public use on the existing trails with future access to the educational center.

The MND should also describe the following countywide trail routes, which offer opportunities for non-motorized transportation connections from the project site to the surrounding neighborhoods, parks, trails, and open space areas.

- ***Juan Bautista de Anza National Historic Trail*** (Route R1-B Bay Recreation Retracement Route) - designated as the Bay Recreation Retracement trail route within other public lands, for hiking and on-road cycling. This trail is adjacent to the project site and runs from the Sunnyvale Baylands Park to the Alviso Marina. This trail route is partially completed.

D3

- ***San Francisco Bay Trail*** (Route R4) – designated as a trail route within other public lands, for hiking and on-road cycling. The proposed primary Bay Spine trail route is along Gold Street, adjacent to the project site.

- ***Guadalupe Sub-Regional Trail*** (Route S3) - designated an on-street bicycle route within road right of way, for hiking and off-road cycling. This trail is located north of the project site and runs parallel with the Guadalupe River.

The MND should also describe the nearby Alviso Marina County Park, which is located approximately a half a mile north of the project site and provides the public with additional destination point for recreational opportunities.

Thank you for the opportunity to provide comments on the MND for the Gold Street Educational Center. If you have any questions regarding these comments, please feel free to contact me at (408) 355-2230 or via email at Kimberly.Brosseau@prk.sccgov.org.

Sincerely,

Kimberly Brosseau
Park Planner III

cc: Jane Mark, Senior Planner
Yves Zsutty, Program Manger, Trails Network, City of San Jose Parks, Recreation and Neighborhood Services